THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

NOVEMBER 1988 $3.50

CALIFORNIA Journal

Flowering at the grassroots

Money and initiatives

To jail or not to jail

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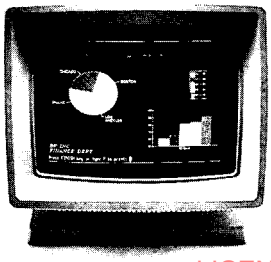

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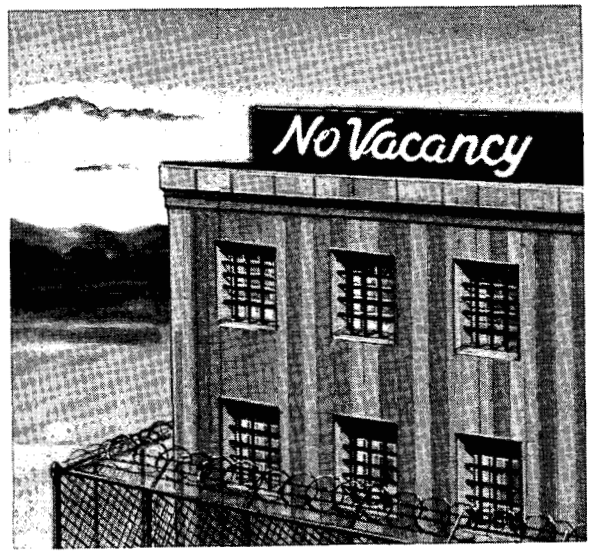

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CALIFORNIA Journal

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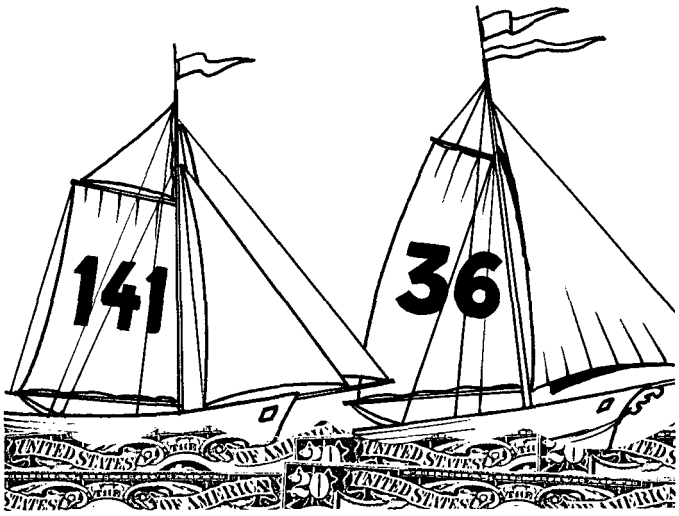

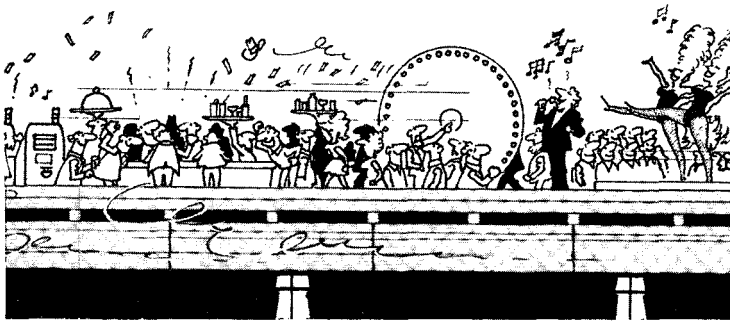

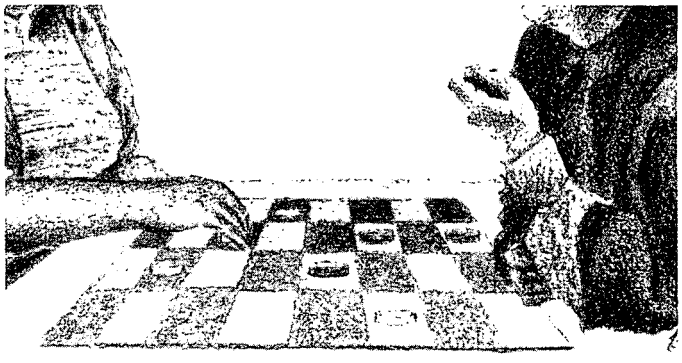

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UP FRONT

The Mathematics of death works in strange ways. On the day of the June primary, Republican Assemblyman Richard Longshore died, and his passing had the most-assuredly unintended effect of making Assembly Speaker Willie Brown, with the support of 39 loyalist Democrats, more secure in his leadership post. Before the primary, rumors were rife that the Gang of Five, unhappy that Brown's lieutenants had financed primary opposition to Gang member Jerry Eaves of Rialto, were letting the word out that they might, at last, be willing to team up with Republicans to replace Brown. But Longshore's death meant that even with the 35 remaining Republicans, the Gang was one short of the 41 it needed to make its move. Those numbers gave the speaker a relatively placid summer.

But last month, Death gave the Democrats a cause for worry. Los Angeles Assemblyman Curtis Tucker, long-time chairman of the Assembly Health Committee, succumbed to cancer, and Democrats were faced with the prospect of finding one more vote to make up the 41 Brown needs if he is to be reelected speaker when the Legislature returns in December. Democrats felt they had a decent chance of picking up at least two seats (Longshore's and either Wayne Grisham's or Paul Zeltner's), which would have allowed them to reach the magic number even without Gang members. Things now will be more difficult. Assuming a dead Tucker can beat a live Republican in the 50th Assembly District — not a bad guess in a district with a 77 percent Democratic margin — a special election cannot be held until after the first of the year, too late to help in the December organizing session. So the Brown forces may be looking to hedge their bets. Some of Brown's backers in the Legislature recently have given money to Eaves, perhaps hoping to break up the old Gang. Eaves says he's made no commitments.

By the way, the leading contenders to replace Tucker include Inglewood Councilman Dan Tabor, who got 24 percent of the vote against Tucker in the primary, and Curtis Tucker Jr., an aide to Assemblywoman Gwen Moore. Speaker Willie Brown has already said he will back Tucker.

Just be careful where you pat me. Legislators were understandably paranoid in the closing days of the legislative session, what with the FBI running around backing bills, taking pictures and raiding offices. In fact, more than one piece of legislation got killed because rumors were circulating that this lobbyist was wired, or that bill was part of the sting. Some lobbyists were apparently spreading these rumors on purpose as a way of killing bills they did not like. Imagine that.

The FBI sting also demonstrated, once again, that legislators sometimes have no idea what they're voting for, or even what bills they are carrying, as several lawmakers made clear in the closing days of the session. At one point, Republican Senator Newton Russell of Glendale stood at his microphone to take up a measure authored by Assemblyman Tim Leslie of Sacramento. "These are amendments to the Leslie bill. I don't have the foggiest idea what they do," he told his colleagues. Later Democratic Senator John Garamendi of Walnut Grove found himself in the same predicament. While his fellow senators waited, Garamendi studied a set of amendments for an Assembly bill he was carrying and then announced: "I don't know what they do. I don't even know why I have them in may hand." Bakersfield Republican Senator Don Rogers at least kept his ignorance brief. "I'm not going to take up a lot of time because I don't have a lot to say that's meaningful," Rogers offered. Meanwhile in the Assembly, Elihu Harris of Oakland argued it was safe to vote for one measure by noting, "Nobody's opposed to this bill because it doesn't do anything."

Bob Dornan draws controversy even when he's not in the middle of a tough reelection. This year the Garden Grove congressman and his family were involved in one of the eerier episodes in recent political history. During a district town hall meeting in mid-September, Dornan became embroiled in an argument with a gay activist. As the argument became more and more heated, Dornan's wife, Sallie Dornan, suddenly yelled, "Shut up, fag," to one of the gay leaders. She later apologized, saying the outburst of anger was brought on by the fact that her brother is dying of AIDS. According to the *Los Angeles Times*, an emotional Sallie Dornan told the gathering of 200 that her brother was being ravaged by the disease. Mrs. Dornan is serving as her husband's campaign manager.

Only one problem. Sallie Dornan's brother doesn't have AIDS. Douglas Richard Hansen, a 51 year-old landscape architect from San Diego, angrily denied his sister's charge and took a blood test to prove that he does not have any trace of the virus that causes AIDS. The blood test was arranged for by the *Times*. Hansen said he had seen his sister only once in the past five years. He has seen Dornan only once in the past 30 years, he said. Hansen also said he has gay friends but is not himself homosexual.

Dornan eventually admitted his wife's mistake. In an October 5th interview with the *Orange County Register*, Dornan said his wife's outburst was prompted by worry and imagination. Using an interesting turn of logic, Dornan then criticized Hansen for publicly airing a long-standing family feud.

All in the family, California style. Christina Pelosi is the new executive director of the California Democratic Party. Name sound familiar? She's the daughter of San Francisco Congresswoman Nancy Pelosi, elected last year to fill out the unexpired term of the late Sala Burton and now running for her first full term. Pelosi the Younger previously served as personal assistant to state party chairman Peter Kelly. Pelosi the Elder is herself a former party chairwoman and is eligible for a repeat performance next year. Hey, it's not who you know but what you know.

(James Rowen, Santa Clara County)

Hey, business people. Want a good time? The State Board of Equalization suggests having your books ransacked by one of its auditors. The Board

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is responsible for collecting the state sales tax. According to a press release issued by Board of Eek member Paul Carpenter, the Board asked businessmen in the Los Angeles area how they liked the audit process. The survey was confidential, said Carpenter, and respondents were asked to rate the process and make suggestions for improvements. According to the press release, nearly 90 percent of those audited "were pleased with the experience and satisfied with the results — even those found to owe the state additional funds."

Last month, we erred in our analysis of the Housing and Nutritional Assistance initiative (Proposition 95). We said it would not take effect unless the state raised more than $50 million in fines. Actually, the state must ensure "to the extent possible" that a minimum of $50 million is reached.

"Education is the ability to listen to almost anything without losing your temper or your self-confidence."
— Robert Frost

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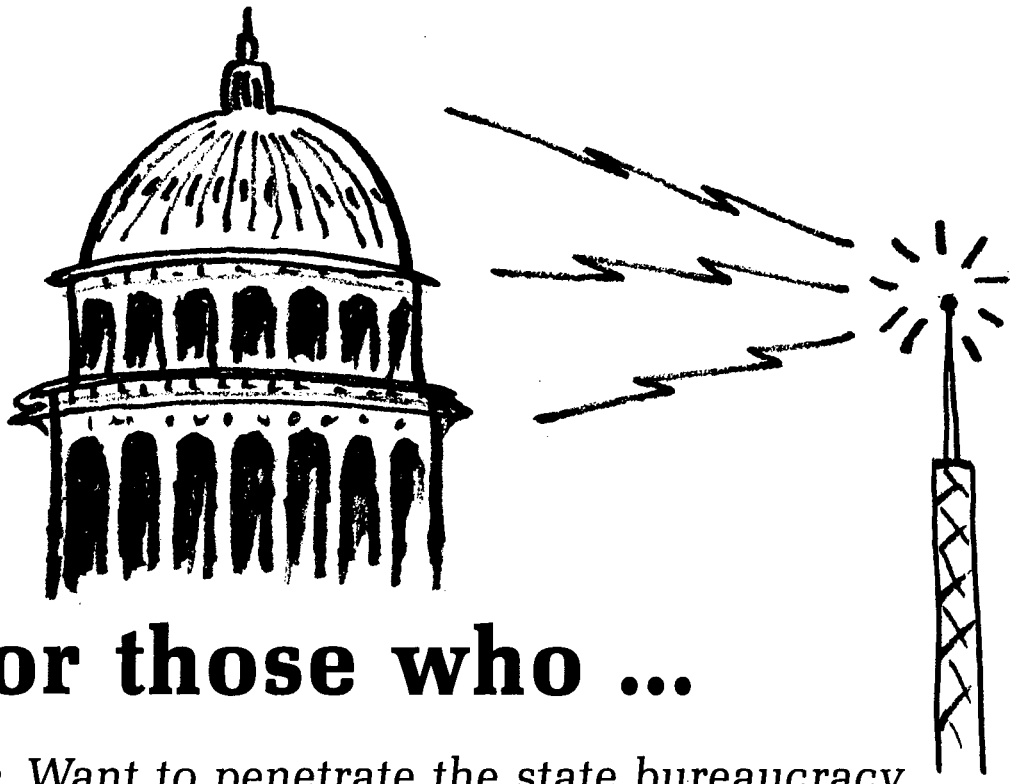

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A flowering at the grassroots

By A.G. Block

What do the 1986 campaign to elect Republican Mike Curb as lieutenant governor and the 1987 effort to elect Assemblyman Art Agnos as mayor of San Francisco have in common?

Well, nothing.

In fact, in at least one significant aspect, those two campaigns were opposite sides of the same coin: In successive years, they represented the nadir and the rebirth of grassroots politics in California.

In 1986 Curb, the Republican Party candidate for lieutenant governor, al-

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most never appeared before the press or any other gathering of people not hand-picked by his staff. His entire campaign was canned — television promos, direct-mail literature, newspaper ads. There was nothing flesh-and-blood human about it for the average voter. Although Curb lost to incumbent Democrat Leo McCarthy (54 percent to 42 percent), more than three million Californians voted for his talking head. His quest to be lieutenant governor seemed like the future of political campaigning in the electronic-communication age.

Fox

The next year Agnos was elected mayor of San Francisco on the strength of an army of volunteers who walked precincts and talked with their neighbors; a grassroots organization that helped Agnos overcome a bevy of better-known and better-financed candidates.

Although Curb's campaign was an extreme example, he was not alone in running for public office from behind a screen of television ads, direct-mail literature and brochures. Candidates increasingly came to believe they could shun grassroots involvement without paying a political price. They could raise money through special-interest fund raising and through sophisticated, computer-driven direct-mail operations rather than through personal contact with constituents. They could campaign over the airwaves, at the mailbox and at rallies before selected audiences. They were packaged in 15-second sound bites for the evening news. They existed on paper and on tape.

As Curb's campaign demonstrated, politics in the communication age increasingly seems to have little use for people as participants in the political process beyond casting votes. But like every political trend, the Curb campaign may have been the pendulum at its apex. Grassroots involvement may once again find a niche in California's political system as a way to motivate an increasingly apathetic voting public. And the Agnos campaign, along with the success in 1986 of Proposition 65, may have signaled the return of grassroots involvement.

In 1987 Agnos won an upset election as mayor of San Francisco. One of the keys to his election was a grassroots effort that mobilized supporters in nearly every precinct in the city. The year before, organizers from groups like Campaign California helped to pass Proposition 65, the safe drinking-water initiative, despite opposition from Governor George Deukmejian and a heavily financed campaign against it by corporate California.

"The rebirth of grassroots organizing will revitalize and re-energize the political process," claimed Larry Travatola, who ran Agnos' grassroots effort and is now doing the same for several Democratic candidates in California, as well as organizing a massive grassroots effort on behalf of presidential hopeful Michael Dukakis.

But "grassroots" means different things to different participants. Today, many groups and individual candidates take their messages to the public through direct-mail fund-raising campaigns designed to fuel initiative drives or candidacies. But is, for example, Tom Hayden's Campaign California a grassroots organization? Or, the late Howard Jarvis' California Tax Reduction Movement? How about Common Cause or the National Rifle Association? Orange County's no-growth movement?

Each of these groups contacts and solicits from large numbers of people. Each backs a particular candidate or cause. Each appeals to people who may consider the political establishment unresponsive to their needs or desires. Are they grassroots because they enlist the support of large numbers of people?

Calfo

Travatola, who cut his teeth as an organizer for the United Farm Workers Union during the 1960s, says the primary role of grassroots organizations is to "put people back into politics." To do this, he argues, organizers and candidates must establish a personal rapport with those who follow their flags. Direct-mail operations like The California Tax Reduction Movement (CTRM), or Paul Gann's People's Advocate, he says, are "paper organizations with paper memberships. A grassroots organization must be accountable. [Direct-mail organizations] aren't accountable to anyone but themselves. There are no meetings. They're just milking a list, raising money."

Not so, counters Ted Costa of People's Advocate, a non-profit organization founded by tax crusader Paul Gann which specializes in placing initiatives on the ballot. People's Advocate and CTRM were originally "groundswell" movements fueled by widespread anger over skyrocketing property-tax bills during the 1970s. Gann and Jarvis rode the wave.

"We started out purely as a grassroots organization," Costa explained. "The efforts to pass Proposition 13 [1978] and Proposition 4 [1979] and Prop 8 [1982] were all grassroots. Our current effort is Proposition 102. The average contribution for 102 is $14. This makes it grassroots because the money comes from small donations rather than from big donors."

Gann

Joel Fox, president of Jarvis' California Tax Reduction Movement, agrees that his organization is part of the direct-mail industry. But he still considers it grassroots because it appeals directly to large numbers of people, albeit through impersonal mailers rather than person-to-person contact.

Jarvis founded the tax-protest group the night Proposition 13 passed in 1978, said Fox. His intention was to piggyback on his and his movement's popularity in the wake of the Proposition 13 campaign, and to employ more sophisticated fund-raising techniques to continue the battle against taxes. Both CTRM and People's Advocate are nominally non-partisan, although their leaders are firmly aligned with Republicans. Gann himself was the Republican candidate for U.S. Senate in 1980, losing to Alan Cranston. CTRM's Jarvis ran in several GOP primaries.

"Our members are those who are basically ignored by the mass media and by many candidates," said Fox. "We're a voice for people concerned over a heavy tax burden and excessive government."

Fox said CTRM has more than 200,000 members statewide, although it operates with a staff of five and all the direct-mail work is contracted out. Most of the mail sent out to members are solicitations for money to support petition drives to place initiatives on the ballot, or to support other group activities such as suing various cities that pass taxes that group leaders think violate the spirit of Proposition 13. Among the initiatives it has placed on various ballots are Propositions 13 (1978), 9 (1980), 7

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(1982), 36 (1984) 62 (1986) and 72 (June 1988). CTRM's agenda is decided upon by its leadership and staff. Members have no input except to withhold contributions.

Those contributions are the heart and soul of CTRM's success, said Fox. They allowed it to make the transition from a groundswell movement to an ongoing func-raising operation. "A grassroots organization can't survive unless it's professional," said Fox. "To get our word out, we have to be able to raise money. Our mailings bring in money, which allows us to increase our mailings to more and more people, to grow. Technology is the key in the communication age. We have to go along with it to survive. The definition of a grassroots organization has changed over the past 20 years, along with the times and with politics." Fox said his group is accountable to its members. "We write to our members with issues we want to become involved with and ask the membership to respond," he said. "They can pull our plug if they don't like our agenda. They control the purse; we control the agenda."

The plug has yet to be pulled, Fox said. "That hasn't happened yet overall," he said, "although there may have been an individual project that got little response."

Although Campaign California relies on people rather than on direct mail to spread its gospel, it, too, has an agenda that is controlled by its leadership and not by its grassroots members. As a result, Campaign California has occasionally shied away from controversial issues. Like CTRM and People's Advocate, Campaign California appears to be accountable only to its leadership and not to its grassroots base whose only avenue for meaningful input is to withhold money, which may not be too meaningful in light of the heavy contributions made to the group by Jane Fonda, wife of the group's founder, Democratic Assemblyman Tom Hayden. However, since the group also relies heavily on volunteer efforts, members can resist by refusing to participate.

Still, Campaign California is the closest any advocacy group comes to a classic grassroots effort. It specializes in raising money and creating political involvement through door-to-door contacts, or canvassing. Unlike its more conservative counterparts, it does not lie outside the political establishment but is an increasingly important voice within the Democratic Party itself. Both Hayden and the group's executive director, Cathy Calfo, have seats on the Democratic National Committee; Calfo is also secretary of the California Democratic Party.

Campaign California is the successor to Hayden's first grassroots organization, the Campaign for Economic Democracy (CED). Campaign California was born in July 1986, on the same day Hayden killed off CED. CED, which focused on local government, had elected councilpersons and mayors in places like Santa Monica and Chico and had succeeded in passing rent-control ordinances in various California communities. But CED also bore ideological baggage that may have weighed down Hayden's career. A creation of Hayden and Fonda, CED was associated with liberal causes at a time when Hayden himself was professing more moderate politics and itching to play on a broader stage than the state Assembly and local politics in Santa Monica. Exit CED; enter Campaign California, a semantic sleight-of-hand that also allowed the organization to change course.

Basically, CED and Campaign California are the same group, with the same leadership and the same grassroots techniques centered around door-to-door canvassing. The focus, however, is different. While CED was organized around local chapters and concentrated on local issues, Campaign California focuses on state and national issues.

Campaign California, a statewide organization that boasted a membership of 97,000 in July 1988, is run by a 13-member steering committee which decides the group's agenda. Its immediate goal, said executive director Calfo, is to elect a Democratic governor in 1990 and to continue to push initiatives that affect what Calfo characterizes as "quality of life" issues: child care, clean water, clean air, nuclear power. Vacancies on the steering committee are filled by the committee itself, with recommendations from Calfo and, one presumes, from Hayden.

Campaign California's annual shopping list of issues is also decided upon by the steering committee, with input from membership meetings held occasionally at its four regional offices (Santa Monica, San Francisco, Sacramento and San Jose), said Calfo. However, Campaign California does not tackle some controversial issues that would seem to lie up its ideological alley. For instance, Calfo said the steering committee is split on the issue of the death penalty, with most members opposing it and Hayden supporting it. Campaign California, therefore, will not take a position on the death peanlty.

Calfo said the group raises between $2.5 million and $3 million a year, with $1 million from its share of profits from Jane Fonda's workout empire and the rest from door-to-door fund raising. With so much of its budget from an internal source — Fonda — Campaign California could survive even without a major grassroots fund-raising effort. This also gives Fonda and Hayden enormous influence over the agenda.

Despite its top-down structure and minimum input from rank-and-file members on how the organization is led and

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where it is going, Campaign California touts itself as the vanguard of a grassroots resurgence.

"We're the only group to knock on doors in California day in and day out, and not just in the campaign season but all the time," said Calfo. "The people we contact become involved in the political process by talking at their door about issues."

Calfo agreed that Campaign California has become something of a party within a party. Because the Democratic Party is so diverse, she said, "your message is a little less clear when you rely soley on the party to deliver it. The party wants to make everyone happy and content, but we've always been effective at raising tough issues within the party and urging it to take tough stands."

Campaign California's membership strength and ability to mobilize those members is a major reason why it is gaining influence among rank-and-file Democrats, as evidenced by Hayden and Calfo landing seats on the Democratic National Committee this past August. The strength is demonstrable — nearly 100,000 members and a $3 million budget.

According to Calfo, between 20 and 25 percent of the group's new members are Republicans. "We've gone beyond traditional Democratic groups [labor, minorities] and the already organized constituencies [women, environmentalists] to reach suburban people at home," said Calfo. "This is important. In 1982 Tom Bradley lost the governorship when 46,000 voters switched in the final days. The people we talk to have the potential to make a difference in every election. Personal contact goes a long way toward making a difference."

One of Campaign California's first efforts was the successful passage of Proposition 65 — the safe drinking water measure of November 1988. Campaign California contributed over a quarter-million dollars to the Proposition 65 campaign, as well as door-to-door canvassing and campaigning on the measure's behalf. It was also heavily involved in the losing effort to close the Rancho Seco nuclear power plant near Sacramento.

While Campaign California is an established, on-going organization that employs classic grassroots techniques, the most recent example of a grassroots campaign built from the ground up for one purpose is Art Agnos' successful bid to become mayor of San Francisco in 1987. His organizer was Larry Travatola, who thinks that grassroots efforts not only energize the political system by involving thousands of people in the process but also make for better candidates.

"Candidates are accountable to their volunteers," said Travatola. "But you must have a candidate willing to be accountable. Many politicians find it much easier to have a few advisors and conduct the whole campaign from a back room."

Travatola said he saw "tremendous growth" in Agnos during the course of his campaign because the grassroots organizing effort forced him out among the public. "Being in hundreds of meetings in people's homes, answering questions about the campaign and about issues made him more sensitive to issues about the city," said Travatola. "It made him a better politician."

Agnos' campaign was a classic example of grassroots activism. Travatola started with 10 paid organizers and gradually built an organization that included volunteer captains in each of San Francisco's 700 precincts.

"We organized by neighborhood rather than by the traditional constituency group," Travatola said. "If you organize by constituency, you only deal with community leaders. We wanted to reach more deeply into the neighborhoods."

Travatola could have added that most constituency leaders in San Francisco already had endorsed Agnos' opponents for mayor, especially former Supervisor John Molinari, leaving Agnos little choice but to ignore those leaders and appeal directly to the grassroots voter.

Organizers reached into the neighborhoods by first identifying people who had supported Agnos in past elections for the Assembly. They also helped register voters all over the city, asking each person if he or she was interested in helping with the Agnos campaign. They also requested volunteers in each Agnos mailer. Their goal was to recruit a leader, or captain, in each of the city's 700 precincts. According to Travatola, those captains would be responsible for contacting as many people in the precinct as possible.

"You adopt a precinct like you adopt a child," Travatola said. "You develop a relationship with your neighbors. We wanted people in those precincts who would do more than just knock on doors on election day. They carried Art's message to the voters. They became his conduits to the grassroots."

Travatola added that grassroots organizing is more than a campaign tactic; for him, it is a way of involving people and a way of governing. And he insists there is evidence that the shoe-leather style of campaigning works, as well. Travatola cites the success enjoyed by Democratic Assemblyman Jack O'Connell as a prime example of how people-to-people campaigning can translate to the ballot box (see following story).

"Grassroots organizing is putting people back into politics," Travatola said. "We've seen an increase in the number of people willing to volunteer, but they have to be given significant work. They want to talk with voters, not stuff envelopes."

Travatola is also working on the congressional campaign of Democrat Anna Eshoo, who is waging an uphill struggle against Republican Tom Campbell, a Stanford professor, for an open seat in the heavily Republican 12th District centered around the affluent peninsula area south of San Francisco. In that campaign, 400 precinct leaders have written 15,000 letters to voters in their neighborhoods. The letters are not censored or edited by the candidate or her paid staff, Travatola said.

"You must have respect for grassroots involvement," Travatola said. "Many of those letters are hand written. All use the writer's own words. When you have that kind of trust and respect for people's involvement, the whole grassroots effort flows from that. This can't happen when a candidate is isolated and packaged."

In one form or another, all these groups deal with the "grassroots" — with people. But organizations like People's Advocate and the California Tax Reduction Movement seem little different than direct-mail operations like the National Rifle Association and Common Cause, or little different than canned campaigns, for they involve almost no people-to-people contact. Others — Travatola, Campaign California and various no-growth, pro-life and anti-nuclear movements — use personal contact to mobilize support for issues and for candidates. It would seem that the latter are the true grassroots efforts, for they employ the most fundamental element of grassroots politics — people.

There are rays of light in all this for those who bemoan the current dehumanized character of electronic politics. Those who carry the various political gospels out among the people are finding that their fellow citizens are interested and willing to listen — if only a human voice appeals to them.

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Jack O'Connell

The grassroots politician

By Anthony Kohlenberger

The 35th Assembly District has a nice Republican profile. A coastal district, it takes in urban Santa Barbara County south to Oxnard in Ventura County. It is relatively affluent, relatively White, and mostly conservative. A high percentage of voters turn out for elections, and fewer than half the registered voters consider themselves Democrats.

For the past six years, this nice Republican district has been represented in Sacramento by a Democrat. And not just any Democrat. A liberal Democrat with close ties to Assembly Speaker Willie Brown — Jack O'Connell. In November O'Connell will win reelection for his fourth term. It will be a landslide. It will be a walkover. The Republicans didn't even run a challenger. In fact, O'Connell himself won the GOP nomination with a successful write-in campaign during the June primary.

Why does this boyish, folksy, liberal Democrat own a Republican district?

Hard work at the grassroots.

Once a month, Assemblyman O'Connell opens a new, if temporary, district office. There is not much to this office: a card table, some chairs, a few business cards, a note pad. And it doesn't require much space; the busy corridor of a shopping center in Carpinteria or Oxnard or Port Hueneme will do just fine. Welcome to Card Table Office Hours, a monthly part of Jack O'Connell's district routine. He sets up his card table and talks with and listens to whomever walks by: The elected official out among the public. When he's not sitting at his card table he is pounding precincts. And not just during election years but all the time, every weekend, month in, month out. As a result, Democrat Jack O'Connell has made himself nearly invulnerable inside a Republican bailiwick.

It has not always been so easy for O'Connell. A boyish-looking former teacher and administrative aide to state Senator Omer Rains, his first two campaigns were hard-fought

Anthony Kohlenberger is a California Journal *intern.*

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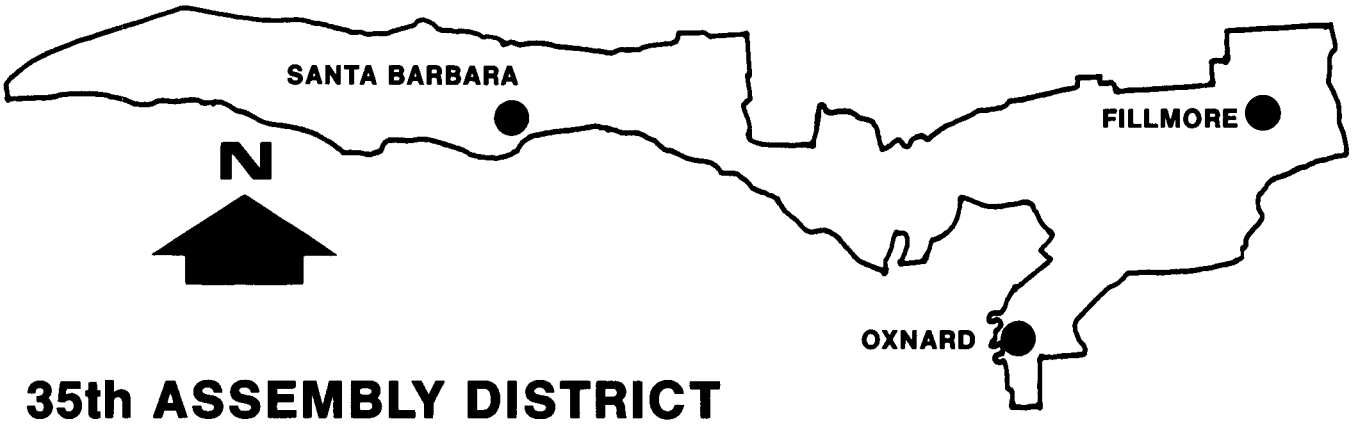

35th ASSEMBLY DISTRICT

scraps fueled almost exclusively by money from Assembly Speaker Willie Brown. But as he runs for his fourth term, O'Connell no longer needs the speaker's largesse and, although no great fund raiser, he lately has given money to Brown for use in other contests.

Much of O'Connell's success comes from the fact that he operates in a district where Republicans tend to be moderate. The district itself is relatively affluent, with more than half the registered voters made up of white-collar workers. Protection of the environment and quality of education are the most important issues. Despite his liberal voting record (see "Who's left, who's right," *CJ*, June 1988), O'Connell regards himself as a moderate who blends concern for the environment with support for such law-and-order causes as the death penalty.

O'Connell's style fits the district, as well. According to a friend and colleague, Democratic Assemblyman Sam Farr of Carmel, O'Connell's low-key demeanor and emphasis on issues rather than on personalities appeal to his voters.

If you were to pass O'Connell on a downtown Sacramento street, you might mistake him for a Capitol staffer fresh out of college rather than a member of the Legislature about to cake-walk to his fourth term. Tall and lanky, he looks far younger than his 37 years. He is quiet, even nerdy. His favorite drink is Mountain Dew, and when he doesn't bring a sack lunch from home, he may be found ordering a burger and fries at a local fast-food counter. Personally, he seems perpetually cheerful, his moods and political savvy masked with an aw-shucks demeanor and a sense of humor that is frank and disarming. Nor does he seem obsessed by ambition or the internal political turmoil that has dominated the legislative scene of late. Only friends who know O'Connell well are privy to the disappointment and disgust brought on by squabbles between Willie Brown and the Gang of Five (see "A crumbling speakership, *CJ*, April 1988).

Born in New York in 1951, O'Connell's father packed up his family and moved to Ventura in 1958. O'Connell claims his father, a security guard and ardent baseball fan, moved so he could follow the then-Brooklyn Dodgers' trek west to Los Angeles. He softened the move, O'Connell said, with "promises of Disneyland."

Actually, his family came west to buy a small motel in Oxnard. O'Connell lived in a motel room next to the family's living quarters. He has one sister, Nancy, who is married and works for a newspaper in Pacific Palisades. She is also a former on-camera reporter for CNN and several California television stations, including KCOP in Los Angeles.

O'Connell was educated in public schools in Ventura County. In 1973 he earned a bachelor's degree in History at California State University, Fullerton, and in 1975 earned a secondary teaching credential at Long Beach State. He taught citizenship, geography, history, physical education, civics and English at Oxnard High School from 1975 to 1979 — the same school from which he had graduated six years before.

O'Connell's political career began in 1979 with a stint as a summer volunteer with then-state Senator Omer Rains, a Democrat who represented Santa Barbara. O'Connell said he volunteered for the job because he had been teaching high school government and wanted more insight into the day-to-day workings of government — "hands-on stuff to improve my teaching," he said. O'Connell said he first met Rains after the lawmaker spoke to O'Connell's class. "We hit it off well," he said. So well, in fact, that before the summer ended, Rains asked O'Connell to become his legislative assistant in Sacramento. Later, he took over Rains' Santa Barbara district office. It was from that office that O'Connell launched his own career in public office, winning a seat on the Santa Barbara School Board in 1981.

Rains' own ambitions helped O'Connell gain his Assembly seat a year later. In 1982 Rains gave up his Senate seat to run in the Democratic primary for attorney general. That set off a chain reaction that led to an opening in the 35th Assembly District when the incumbent, then-Assemblyman Gary Hart, ran for Rains' spot in the Senate. O'Connell jumped in to replace Hart. He faced an expensive race against Republican Brooks Firestone, a winemaker and an heir to the Firestone tire fortune.

Outspent better than two-to-one by Firestone, underdog O'Connell won 51 percent of the vote in a district where Republicans thought, because of weak Democratic registration, they had a winner. O'Connell attributes his success to a strong local organization, one that he has maintained through the years. "People power and foot power," he said. And, of course, there was the money given him by Assembly Speaker Willie Brown. Democrats in the Assembly poured about $170,000 into O'Connell's campaign; he raised another $80,000. Firestone spent about $650,000.

Without Brown's money, O'Connell wouldn't have made it, a fact he acknowledges. "It took everything to win the election," he said. "My sister took leave of absence; my mother took early retirement. My father did telephoning. My wife took a leave of absence. We all walked precincts and made calls.

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Take out any one of those elements, and we would've been beaten."

O'Connell's experience working for Rains also helped give him additional credibility as a candidate. But O'Connell downplayed his relationship with Rains during the campaign, preferring to run on his own identity and on his record as a member of the school board.

The Rains connection did provide contacts, for O'Connell could call on the people he had met while working in the district office. For example, he convinced then-Speaker of the House Thomas P. "Tip" O'Neill of Boston to appear at a $50-per-plate dinner before going on to a $1000-per-plate fund raiser for former Vice President Walter Mondale, soon to be his party's nominee for president. O'Connell managed to make the evening memorable for O'Neill by spilling Perrier on the speaker's jacket.

O'Connell faced a stiff challenge again in 1984, this time from Santa Barbara County Sheriff John Carpenter. Again, Republicans thought O'Connell vulnerable and poured another half-million dollars into the effort to defeat him. This time, they came up even shorter as O'Connell earned 61 percent of the vote.

What the GOP failed to perceive was that O'Connell had so strengthened his grip on the district that money could not blast him out of it. And he had done so without spending much cash of his own. He had done it with shoe leather. While most contemporary campaigns depend on mass media or political mailings, O'Connell credits old-fashioned precinct walking. For his first election, in 1982, he began walking on April 1st and walked every day until the November election.

O'Connell said, "I knocked on every door that could be knocked upon." Even without a Republican opponent this year, O'Connell is still going door-to-door, running a "maintenance campaign" that he says will cost less than $100,000 but might be helpful for someone who perhaps is considering a future run for the state Senate should Gary Hart be successful in his current attempt to oust Congressman Robert Lagomarsino (see "Election '88," *CJ*, July 1988).

"There hasn't been a weekend since 1982 that I haven't walked precincts in my district," O'Connell said recently.

Or attend other events as well. Some pundits in his district say it is hard even to hold a garage sale without O'Connell showing up.

"Jack has found a way to work his district which pays big dividends," said Assembly Majority Leader Tom Hannigan, a Fairfield Democrat.

Even Republicans extend O'Connell grudging admiration. "He's a nice kid who handles the district well," said Phil Moore, a local Republican activist from Santa Barbara.

Nice kid or not, Republicans punted in a district where the GOP should at least mount a stiff challenge to an incumbent Democrat. "Most people down here didn't feel they had the time to run against someone they couldn't beat," said Mrs. Moore. She added that the local search committee contacted more than a half-dozen potential candidates, receiving thumbs down from all. "We felt we should place our efforts on races we could win. Why waste funds on one we couldn't win? Why have a token candidate? It would waste a lot of money."

Moore blamed the 1982 reapportionment for GOP troubles in the 35th District, saying that Santa Barbara County was split in two, with moderate Republicans in the south county assigned to O'Connell's district and conservative Republi-

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cans from towns like Santa Maria, Lompoc and Santa Inez put into districts represented by Republicans Cathie Wright and Eric Seastrand.

"People in the north county don't like O'Connell," Moore said. "Republicans in his [O'Connell's] district are more apt to cross over and vote for him."

Assemblyman Hannigan offered another reason for O'Connell's success in a district where registration seems to favor Republicans. "You can't be fooled by registration numbers in coastal districts," he said. "Jack has a large number of 'decline to state' [voters] who are to the left of the Democrats. Add these in and you have a strong district," he added.

O'Connell believes his constituents support him because "I address the issues that people in my district are concerned about, and I am strong on the issues."

For example, although tagged as a liberal, O'Connell cites long-time support for the death penalty and his vote for confirmation of conservative Republican Dan Lungren to be state treasurer as evidence of a more moderate bent. "I'm conservative on law-and-order and progressive on social issues," he says. He also is pro-choice when it comes to abortion and for strict handgun registration, although he is against banning the sale of handguns. A *California Journal* survey of legislative voting records shows O'Connell ranked among the most liberal members of the Assembly.

"I don't pay much attention to rankings. I have seen others that say that I am conservative. You can take any few bills and make it seem however you want," said O'Connell.

In addition to the coastal protections that are of obvious interest to his constituents, O'Connell says he has had a particular interest in education, toxic protections and the elderly. He was one of the principal authors of Proposition 75, an $800 million school bond proposal that passed overwhelmingly this past June. O'Connell has two additional propositions on the November ballot — Propostion 81, a $75 million bond for safe drinking water; and Proposition 87, which would change the allocation of taxes from redevelopment areas (see the *California Journal Ballot Booklet*, *CJ*, October 1988.)

O'Connell believes his assignments in the Assembly, including seats on the Education, Finance and Insurance, Ways and Means, and Rules committees, are ideal for pursuing his legislative goals. He is also the chairman of the Resources, Agriculture and Environment budget subcommittee, which handled a $4-billion slice of the state budget and puts him in a position to help colleagues interested in seeing a pet project financed.

As for political ambitions, he says he is not interested in going on to Congress, since the issues he is concerned with are "debated at the state level."

However, there has been considerable talk that O'Connell will seek Gary Hart's 18th District Senate seat if Hart defeats veteran GOP Congressman Robert Lagomarsino in the November election. O'Connell's Assembly district overlaps Hart's Senate district and would give O'Connell a leg up on victory in a special election to fill a potential vacancy. O'Connell won't say what he intends to do if Hart moves on to Congress. But he concedes that the state Senate has "some definite attractions ... a four-year term and half as many [colleagues]," he said.

There may be other reasons, as well. A few years ago, when Hart first toyed with running for Congress and speculation centered on O'Connell as his replacement in the Senate, O'Connell seemed torn. Although the Senate was attractive, he had strong loyalties to the institution of the Assembly, and to Speaker Brown. But lately O'Connell seems more disillusioned with the Assembly than proud of it. He has been especially angered over the attacks on Brown by the Gang of Five (see "A crumbling speakership?" *CJ*, April 1988) and the seeming paralysis of meaningful law-making in the lower house.

"This year has been the least amount of fun," O'Connell said recently. "I've still enjoyed success, but not with a great deal of enthusiasm attached."

A Hart victory in November could put O'Connell on a political hot seat. No matter what he decides, it will set off an expensive dog fight for the remaining open seat. And with the 1990 reapportionment just around the corner, Democrats in both houses will be scrambling to hold on to every seat possible.

O'Connell is more modest about his importance. "There are other Democrats who can win either seat," he said, conceding, "I have the best chance of winning the Senate seat if I decide to run for it."

Although the run for Senate might seem an obvious move for O'Connell, the decision will not be easy. O'Connell, a Willie Brown loyalist, may not want to abandon the speaker while Brown maintains only a precarious hold on the speakership. On the other hand, O'Connell didn't much enjoy his most recent term, and the opportunity to move into the upper house is appealing. Either way, O'Connell's shoe-leather hard work over the past six years will make him a formidable opponent, regardless of the race.

Republicans think so, as well. Asked how they plan to recapture an Assembly district that should be theirs, GOP activist Phil Moore said: "We'll wait for the 1990 reapportionment and hope for a better district."

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INITIATIVE CAMPAIGNS:

Afloat on a sea of cash

By Charles M. Price

Anyone who wandered into a polling place this month to confront the stupefying array of 29 ballot measures discovered the obvious: The initiative process has enjoyed a spectacular popularity. And a closer look at those measures amply demonstrated that the process of direct democracy is now rarely used for its original purpose: as a way for an aggrieved citizenry to overcome a Legislature captured by special interests. Although half of that political equation may be the same — lawmakers often are still unable to buck wealthy and powerful interest groups — those same special interests have discovered that by spending enough money, they also can turn the initiative process to their will.

It is only in the past two decades that the initiative process has again become a popular policy-making instrument. In the 1950s just 17 initiatives went into circulation, only 10 qualified for the ballot, and just two were eventually approved by voters. But in the 1970s some 185 initiatives went into circulation, 25 qualified for the ballot and six were approved by voters. And thus far in the 1980s (as of September 1, 1988), more than 225 initiatives have been proposed, 41 have qualified for the ballot and 15 (not counting this November) have been approved by voters. Indicative of this growing initiative phenomenon, in one year (1988) some 18 initiatives were put before voters — six on the June 1988 primary ballot and 12 more in the November general election. The 18 qualified initiatives of 1988 equal the record number of initiatives on the ballot in the previous direct-democracy banner year (1914) when populism was at its zenith. In addition, dozens of California communities have had local initiatives on the ballot.

Increasingly, interest groups, single-issue zealots and even some elective officeholders (see "A magic ride to success," *CJ*, September 1988) are finding it advantageous to seek change via the initiative process rather than through the legislative process. Frustrated by gridlock in the Legislature, by Governor George Deukmejian's occasional intransigence, and spurred on by the public's lack of confidence with elective officeholders, initiative proponents have hired professional petition-gathering firms and learned how to overcome the logistical problems of amassing hundreds of thousands of signatures to qualify their petitions for the ballot. As Dan Walters, *Sacramento Bee* Capitol columnist, aptly noted recently:

"It's [the initiative process] a poor way to make public policy, but it may be the only because the Legislature has made a collective decision to milk the situation for as much media attention and campaign money as possible without doing anything. All of which makes one wonder why we need a Legislature at all."

Not surprisingly, Democratic legislative leaders Speaker Willie Brown and Senate President pro Tempore David Roberti have been highly critical of the trend toward lawmaking by initiative — especially since many initiatives lately have been authored by conservative Re-

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Charles M. Price is a professor at California State University, Chico. He has written extensively for the Journal *on the subject of initiatives.*

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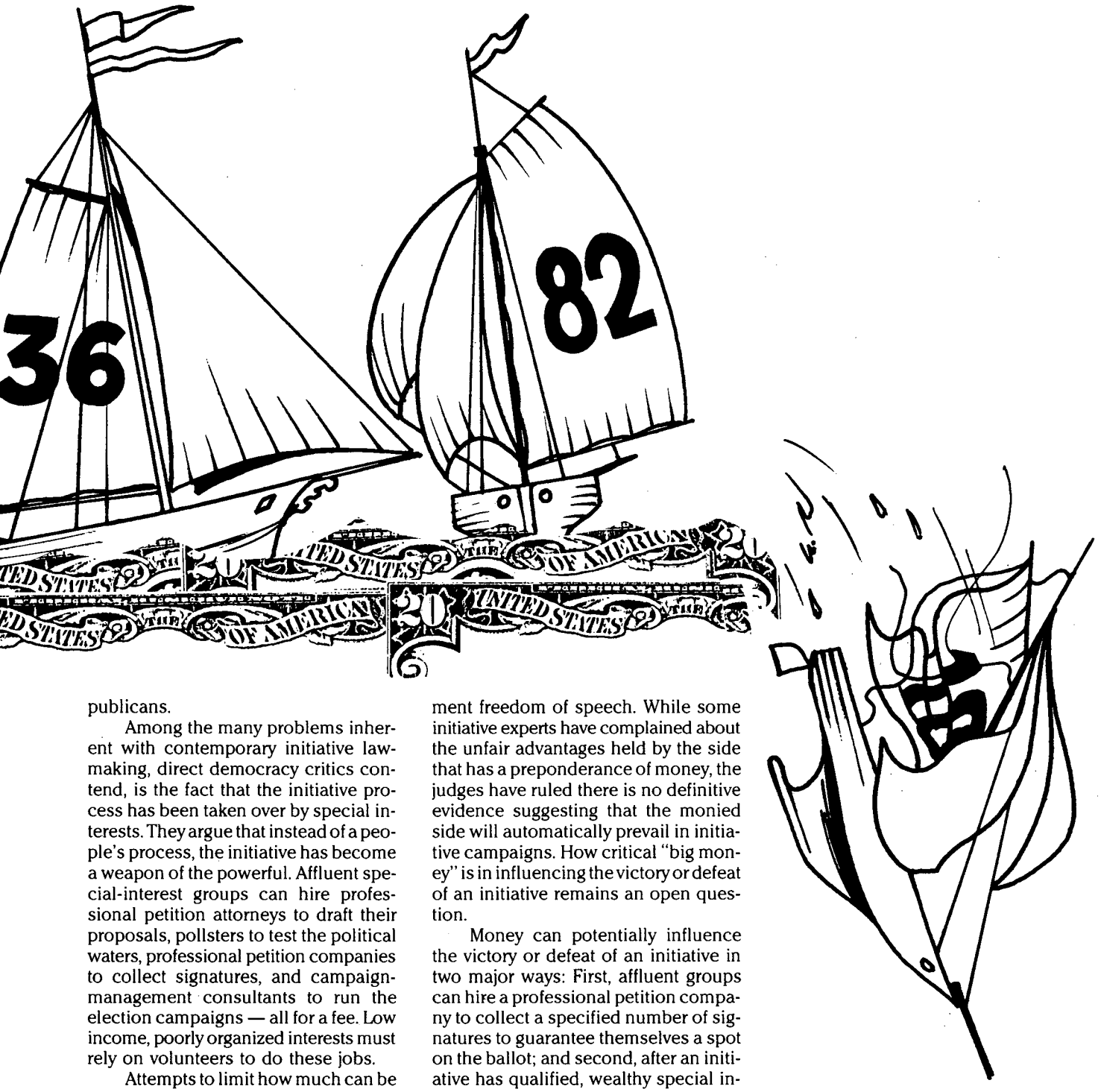

publicans.

Among the many problems inherent with contemporary initiative lawmaking, direct democracy critics contend, is the fact that the initiative process has been taken over by special interests. They argue that instead of a people's process, the initiative has become a weapon of the powerful. Affluent special-interest groups can hire professional petition attorneys to draft their proposals, pollsters to test the political waters, professional petition companies to collect signatures, and campaign-management consultants to run the election campaigns — all for a fee. Low income, poorly organized interests must rely on volunteers to do these jobs.

Attempts to limit how much can be spent qualifying or campaigning for initiatives (as the Political Reform Act initiative of June 1974 would have done), to limit the amount any individual can spend in support of initiatives, or to prohibit petition companies from collecting signatures for a fee have all been declared unconstitutional by the courts. The U.S. Supreme Court has ruled these are all violations of the First Amendment freedom of speech. While some initiative experts have complained about the unfair advantages held by the side that has a preponderance of money, the judges have ruled there is no definitive evidence suggesting that the monied side will automatically prevail in initiative campaigns. How critical "big money" is in influencing the victory or defeat of an initiative remains an open question.

Money can potentially influence the victory or defeat of an initiative in two major ways: First, affluent groups can hire a professional petition company to collect a specified number of signatures to guarantee themselves a spot on the ballot; and second, after an initiative has qualified, wealthy special interests can spend gobs of money in expensive media campaigns designed to persuade (or deceive?) voters to vote for or against a proposal.

But money is but one factor potentially affecting the success or failure of an initiative — the merits of the issue, wording of the proposal, timing, voter trends, turnout and skills of the campaign manager all contribute to the vic-

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tory or defeat of an initiative. But to what extent does having the biggest warchest enhance initiative proponents or opponents chances of success?

Qualifying an initiative for the California ballot these days will usually require a substantial outlay of funds. Securing the valid signatures of 372,145 registered California voters for a statute or 595,485 for a constitutional amendment initiative is a formidable task. Indeed, most initiatives in circulation do not qualify for the ballot in contemporary California (only about 15 percent do). Initiative proponents who do qualify their measures often use the services of professional petition companies to secure some of the necessary signatures. Even if proponents were going to use only volunteer circulators in a petition campaign (large mass-membership groups or public-interest groups can sometimes persuade members to collect signatures), they would still have to pay the salaries, travel and expenses of those coordinating the effort. Assuming the proposed initiative has at least some plausible rationale, if initiative proponents have sufficient financial resources, professional petitioners such as Mike Arno of American Petition Consultants or Kelly Kimball of Kimball Management can virtually guarantee backers a place on the ballot.

Listed on page 484 (chart A) are the various initiatives that have qualified for the ballot since November 1980, the total amount spent by proponents in the qualifying period, and how much was spent per signature (total amount of money expended during the qualifying period divided by the number of signatures required — whether a statute or constitutional amendment — in that particular year). In most initiative campaigns the amount spent in the qualifying period is directed almost exclusively toward securing sufficient signatures to qualify the initiative. However, some initiative efforts anticipating little difficulty in qualifying begin their campaign to woo voters during this period.

The amount spent by various initiative proponents in the qualifying phase ranges from the minuscule $18,448 spent to qualify David Miller's "abolish the inheritance tax" initiative (Proposition 5, June 1982) to the gargantuan $14.5 million expended by auto-insurance companies for their no-fault insurance initiative (Proposition 104, November 1988). Part of the reason for the insurance industry's massive qualifying period expenses for "no-fault" occurred because their first such initiative was declared unconstitutional. The court

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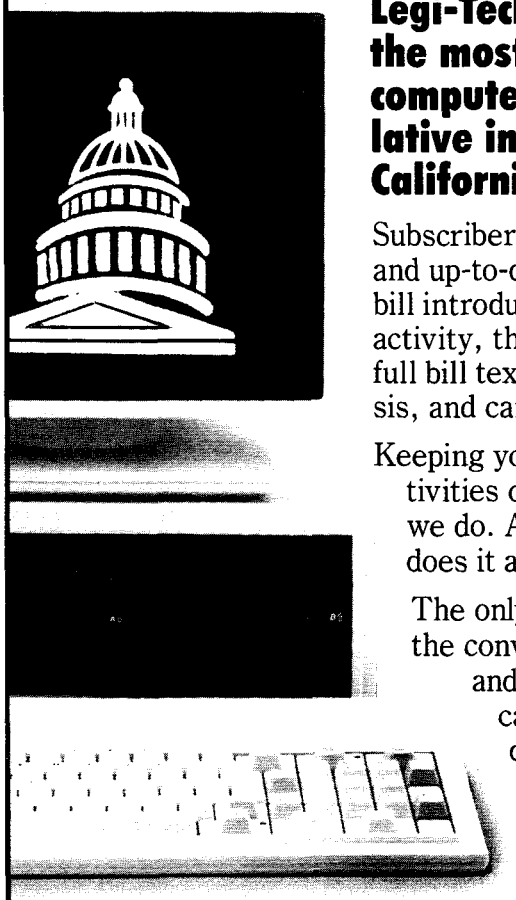

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ruled that it violated the constitutionally mandated single-subject rule. Thus, even though their petition firm had collected nearly all the required signatures, the proponents had to redraft their initiative and start their petition drive all over again. In addition, the insurance industry, many months before the November election, began waging an expensive media campaign to persuade voters of its position on insurance reform.

Initiative efforts that were more in the Progressive philosophy of volunteer, grassroots efforts are those with the lowest cost-per-signature. The cost-per-signature of the various 1980s initiatives ranges from 5 cents for David Miller's Proposition 5 and 16 cents for the "English voting materials" initiative (Proposition 38, November 1984) to $5.05 for the "handgun registration" initiative (Proposition 15, November 1982) or $5.88 for the trial lawyers-backed "good-driver, reduced-rate, regulate-insurance" proposal (Proposition 100, November 1988) and the $38.02 spent for the "no fault" initiative.

On average (and excluding from calculations the special circumstances surrounding this November's "no fault" initiative) about $755,000 was spent by successful proponents during the qualifying phase of initiatives on the ballot in the 1980s. This means that less-affluent groups are less likely to compete as effectively in qualifying initiatives as are wealthier organizations. One might expect public-interest or environmental proponents not to have to spend as much money to qualify their petitions as the special interests because the former groups have many dedicated members who can serve as volunteer signature-collectors. But this often is not the case. Two of the most expensive signature drives of the 1980s — handgun registration and nuclear freeze — were public-interest type issues. Additionally, four environmental initiatives — water resources (Proposition 13, November 1982), bottle deposit (Proposition 11, November 1982), parks and wildlands bond (Proposition 70, June 1988), and toxics (Proposition 65, June 1988) — cost $1.30 per-signature, only somewhat less than the $1.83 average for all initiatives in the 1980s.

Some of the more expensive initiative-qualifying efforts employed direct-mail firms to collect some of their signatures. These firms have in their computers the names of proven political "live wires" (those who have signed and returned previous petitions — perhaps with a contribution), and these people are hit periodically with new requests not only for signatures but for

Chart A

Initiative Qualifying Campaign Expenses and Costs per Signature on Statute and Constitutional Amendment Initiatives, Fall 1980-Fall 1988

Initiative and Number	Total Spent	Cost per Signature
1. No-fault (104) Nov. '88	$14,486,341	$ 38.92
2. Good Driver Rates (100) Nov. '88	2,188,424	5.88
3. Handgun Regulation (15) Nov. '82	1,747,361	5.05
4. Local Govt. Tax (62) Nov. '86	1,823,125	4.63
5. Polanco Reg. Insurance (101) Nov. '88	1,682,070	4.52
6. Reg. Insurance Rates (103) Nov.'88	1,416,394	3.80
7. Prop. 13 Loopholes (36) Nov. '84	2,215,780	3.52
8. Regulate Lawyer Fees (106) Nov. '88	1,275,537	3.43
9. Deep Pockets (51) June '86	1,148,360	2.92
10. Nuclear Freeze (12) Nov. '82	856,345	2.47
11. Johnson Welfare Reform (41) Nov. '84	836,101	2.12
12. Retain Cal-OSHA (97) Nov. '88	747,286	2.01
13. Deuk. Reapp. (39) Nov. '84	1,255,859	1.99
14. Gann Leg. Rules (24) June '84	778,041	1.98
15. Lottery (37) Nov. '84	1,188,553	1.89
16. Homeless (95) Nov. '88	642,161	1.72
17. Victims/Bill of Rights (8) June '82	937,112	1.69
18. Bottle Deposit (11) Nov. '82	584,318	1.69
19. Income Tax Indexing (7) June '82	545,748	1.58
20. Comp. Pub. Officials (61) Nov. '86	898,747	1.43
21. Parks, Wildlands Bonds (70) June '88	516,431	1.39
22. AIDS Reporting (102) Nov. '88	504,866	1.36
23. Higher Cigarette Tax (99) Nov. '88	757,067	1.27
24. Water Resources (13) Nov. '82	400,182	1.16
25. Rogers Inheritance Tax (6) June '82	404,164	1.07
26. Gann Transportation (72) June '88	632,431	1.06
27. English as Off. Language (63) Nov. '86	661,083	1.05
28. Testing for AIDS (96) Nov. '88	385,241	1.04
29. Toxics (65) Nov. '86	368,844	.94
30. Disclosure for Consumer (105) Nov. '88	337,517	.91
31. ComCause Camp. Ref. (68) June '88	332,657	.89
32. Johnson Political Reform (73) June '88	285,701	.77
33. Johnson Camp. Reform (40) Nov. '84	288,446	.73
34. ComCause Reapp. (14) Nov. '82	319,882	.66
35. Anti-smoking (10) Nov. '80	227,631	.66
36. La Rouche AIDS I (64) Nov. '86	230,373	.58
37. CTA School Funding (71) Nov. '88	338.366	.57
38. La Rouche AIDS II (69) June '88	156,735	.42
39. CTA Revise Gann Limits (98) June '88	179,229	.30
40. English Voting Materials (38) Nov. '84	63,976	.16
41. Miller Inheritance Tax (5) June '82	18,448	.05

Chart B Campaign Spending on Initiatives
(Winners in **bold**)

Initiative	to Support	to Oppose
Nov. 1980		
Anti-smoking	$ 797,133	**$2,732,005**
June 1982		
Miller Inheritance Tax	**4,124**	57,373
Rogers Inheritance Tax	**521,066**	57,373
Income Tax Indexing	**475,664**	1,074
Victims/Bill of Rights	**2,789,917**	3,184,878
November 1982		
Bottle Deposit	666,775	**5,159,842**
Nuclear Freeze	**2,627,240**	6,041
Water Resourses	624,607	**2,028,760**
ComCause Reapp.	224,654	**0**
Handgun Regulation	1,781,269	**6,367,471**
June 1984		
Gann Leg. Rules	**96,110**	329,723
November 1984		
Prop. 13 Loopholes	6,555,360	**1,662,529**
Lottery	**1,374,654**	3,413,287
English Voting Materials	**56,657**	0
Deuk. Reapp.	4,740,849	**4,324,799**
Johnson Camp. Reform	10,867	**1,153,487**
Johnson Welfare Reform	279,373	**2,964,459**
June 1986		
Deep Pockets	**4,878,829**	4,930,045
November 1986		
Comp. Pub. Officials	237,995	**6,643,711**
Local Govt. Tax	**1,788,019**	13,894
English as Official Lang.	**124,378**	114,448
LaRouche AIDS I	137,622	**2,771,598**
Toxics	**1,850,628**	4,883,529
June 1988		
ComCause Comp. Reform	**52,095**	653,132
LaRouche AIDS II	7,892	**252,540**
Parks, Wildlands Bonds	**263,781**	2,524
CTA Revise Gann Limits	636,937	**303,971**
Gann Transp.	648,337	**8,244**
Johnson Political Reform	**29,609**	66,238

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contributions as well. Thus, while the initial costs to qualify may be substantial in a direct-mail petition effort, the return contributions may more than make up for the expenses. Additionally, the validity rate for direct-mail qualifying is usually higher than one done by volunteer or paid clipboard petitioning.

Having ample funds to hire petition pros is very useful to more affluent initiative proponents. It frees them to focus their energies on the public campaign and eliminates the worry and tedium of gathering signatures.

The least expensive, but successful, signature-collecting campaigns were mainly volunteer efforts, including the two AIDS initiatives promoted by disciples of Lyndon LaRouche (Proposition 64, November 1986; Proposition 69, June 1988), the proposals by teachers to revise the Gann spending limit and increase school funding (Proposition 98, June 1988), the Miller inheritance-tax abolition, and English language-only initiatives. Dedicated volunteers, popular causes, and mass interest groups can help reduce initiative qualifying expenses. However, even under the best of circumstances most groups will probably have to spend many thousands of dollars in their qualifying quest. Money has become an indispensable factor in virtually all signature drives.

While money is clearly helpful in getting a measure on the ballot, it is still a long way to winning the approval of the state's voters. Does having more money to spend than one's opponent during an initiative campaign translate into inevitable victory at the polls?

From November 1980 (the first election in which the Fair Political Practices Commission began to report qualifying expenses for initiatives separately from overall expenses) up until 1988, 29 initiatives qualified for the state ballot. A little over half the time (16 of 29, or 55 percent) the side spending the most won — on seven they urged a "yes" vote; on nine others, a "no" vote. In the most recent June 1988 primary elections, reform forces supporting Propositions 68 and 73, two rival campaign-reform initiatives, were both substantially outspent by their opponents, but each measure passed easily. At the same time, those advocating modifying the Gann spending limits initiative of 1979, proponents of Propositions 71 (California Teachers' Association) and 72 (Paul Gann himself), spent more than twice as much as their opponents in seeking "yes" votes, but both campaigns failed. Spending somewhat more than one's opponent does not seem to greatly affect the outcome.

Of the 13 initiative elections where the side spending the most lost, five occurred where the monied side urged a "yes" vote but lost, and on eight others the side with the most money urged a "no" vote but lost. Dan Lowenstein, former chairman of the state Fair Political Practices Commission and currently a UCLA law professor, contends that when the side with the spending advantage urges a "no" vote, they invariably succeed because it is easier to confuse voters and persuade them to vote the safe, conservative way — "no." However, based on initiative voting patterns in the 1980s, the side spending the most money and urging a "no" vote has clearly not always dominated (chart B).

Intriguingly, some initiative proponents seem to focus almost exclusively on spending to qualify their measure for the ballot, but then spend little in the election campaign. Republican Assemblyman Ross Johnson spent $288,000 to qualify his campaign-reform measure (Proposition 40) for the 1984 ballot but only $11,000 in the campaign. In June 1988 proponents of Proposition 73, including Assemblyman Johnson again,

Continued on next page

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spent $285,701 to qualify their political-reform initiative but spent only $29,609 in the election campaign. LaRouche disciples spent $157,000 qualifying their June 1988 initiative but expended only $7900 in the campaign. It does appear that some initiative proponents pour everything into qualifying their initiative and then, as the saying goes, "they takes their chances."

While the side spending the most has won only a little more than half the time in the 1980s, what happens if one side or the other has a lopsided spending advantage, where one side had at least twice as much money and a minimum of one-half-a-million dollars? From the Fall 1980 through June 1988, 17 of the 29 initiative campaigns had lopsided spending. Indeed, considering only those initiative contests where one side or the other has spent more than $500,000, on only three initiatives (the Deukmejian reapportionment proposal, victims' rights and the deep-pocket initiatives) was spending by proponents and opponents roughly commensurate. Of the 17 where spending was disproportionate, the side spending the most won 13 times (76 percent of initiative elections) and lost only four elections (24 percent).

Illustrative of the advantages in having mega-millions more to throw into one's initiative campaign than one's opponent, a few years ago Field surveys indicated the public was very supportive of the 1978 and 1980 clean indoor-air initiatives and the bottle-deposit initiative during the early months of their respective campaigns. However, opponents of these measures spent prodigious amounts for slick television spots during the campaign and appear to have convinced those in doubt to vote "no." Each eventually was defeated.

Currently, the tobacco industry, bitterly opposed to the new cigarette-tax initiative of November 1988 (Proposition 99) and concerned about the public's growing negative opinion of cigarette companies, started their television campaign in early August, months prior to the election. Probably, the prime reason for their early start: The tobacco industry has a virtually unlimited budget and seems inclined to pour into California whatever it takes to defeat this initiative. Tobacco interests fear that the state tends to be a bellwether for other states. In their television spots, tobacco advocates argue that if Proposition 99 were to pass, cigarette smuggling from low-tax states into California would be inevitable and the crime rate would increase. Implicit in the tobacco industry's message: Police would have to "waste" their time on this frivolous and unnecessary matter and would not be able to concentrate on serious crime.

But, on a number of occasions California voters have not been simply swept along by expensive media onslaughts. The lopsided-spending side loses about one quarter of the time. Backers of the nuclear freeze (Proposition 12, November 1982) spent over $2.5 million to convince California voters to vote "yes" on the freeze; opponents spent only $6041. Yet, freeze opponents came very close (49 percent) to winning the election though they were overwhelmingly outspent. The lottery and toxic clean-up initiatives are other examples where opponents vastly outspent proponents and yet lost.

Having enough money can clearly make a difference in an initiative campaign, although it will not guarantee success. Money certainly makes it easier to get an initiative to the ballot in the first place, although dedicated volunteers and a popular issue can sometimes greatly reduce qualifying costs. And for the campaign itself, the side spending the most money has a slightly better than even chance of winning, although having a lot more money than one's opponents increases those prospects greatly.

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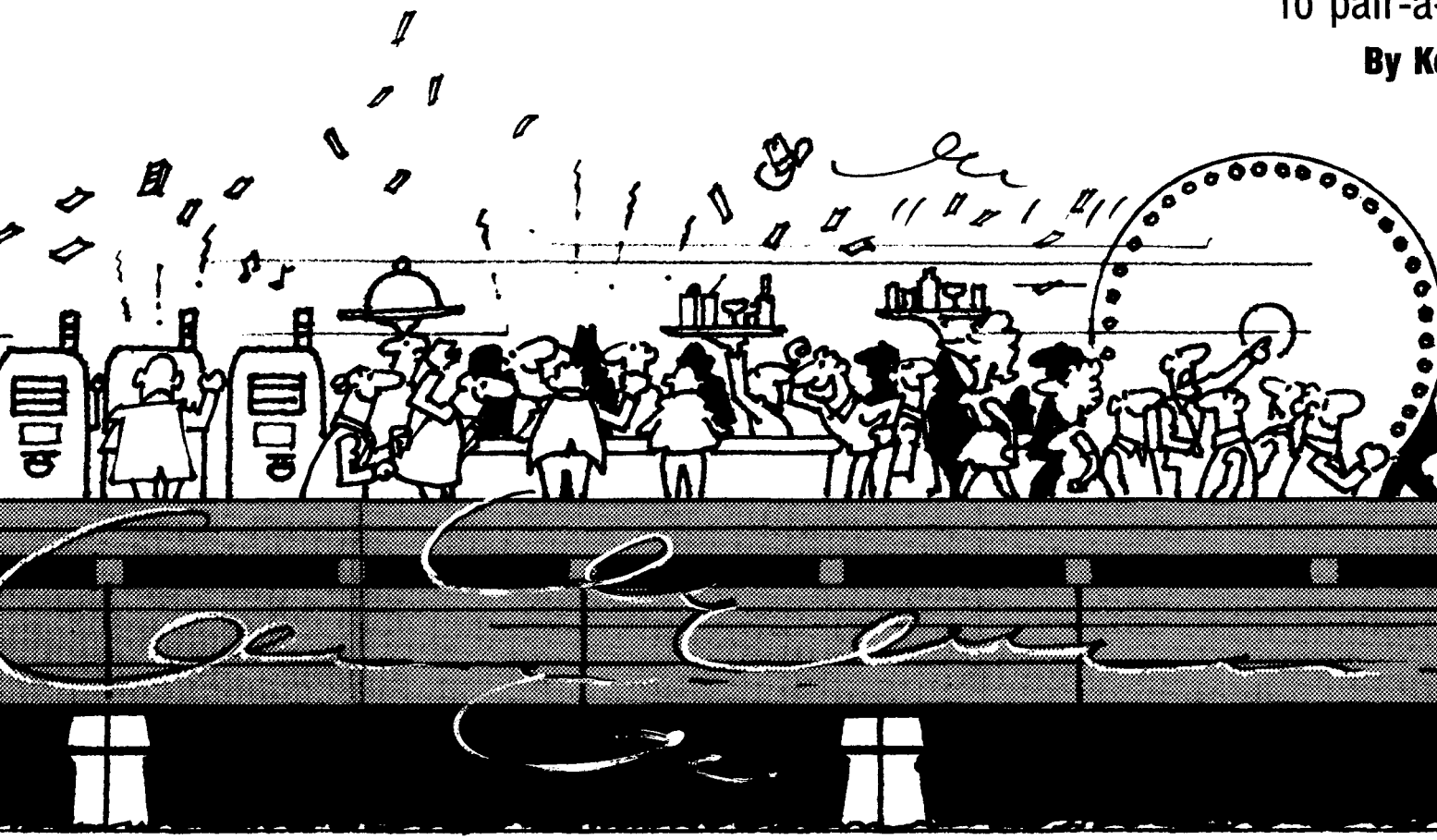
The Las Vega

To pair-a

By K



It's called the Las Vegas Super Speed Train, and it comes with a no-risk guarantee from its Nevada backers. They will plan it, build it and take the financial eating if it goes bust. But some civic leaders in Southern California, where the proposed train would originate, see it as anything but a sure bet.

The train would make the 230-mile trip from Southern California to the Nevada gambling Mecca in about 70 minutes, travelling at speeds of up to 250 miles-per-hour. Funding for the project, estimated at $2 billion to $3 billion, is still up in the air, but backers say it would most likely come from a foreign government, such as West Germany or Japan.

"I think it would be a good alternative to cars and airplanes," said Richard Welch, senior management analyst for the City of Las Vegas. "Southern California is our largest market, and the train intself would become a major tourist attraction, drawing people who normally wouldn't come here."

But while its Las Vegas proponents see it as a financial boon to the desert gambling oasis, several Southern California officials view it as a high-stakes gamble in which the payoff would be for Nevada at the expense of California.

"I'm very concerned that while the train's California passengers would travel round-trip, their money would travel one-way," said Wes McDaniel, executive director of the San Bernardino Associated Governments (SANBAG).

Two types of technology are under consideration for the proposed train:

- The French TGV, which uses steel wheel cars on conventional tracks. It's electrically powered and runs at speeds of up to 185 mph, although in tests it has reached 236 mph, hence its name: *Tres Grande Vitesse* (very high speed). An operational system runs between Paris and Lyon.
- The West German Transrapid Maglev, which runs by magnetic levitation and cruises at speed of up to 250 mph. The trains have no wheels. Instead they float a few inches above a magnetized guideway, which is elevated much like Disneyland's monorail. A 25-mile test project was built in Lathen, West Germany, and plans are under way to have a system in operation between Hamburg and Hanover in the mid-1990s. The Japanese are also developing a maglev.

The idea for the Las Vegas train first surfaced during the gasoline shortages of the 1970s. Las Vegas officials were concerned their economy would be drastically hurt if Californians were unable to drive to Las Vegas. The city commissioned two feasibility studies on high-speed rail between 1981 and 1987 costing $1.55 million and mostly paid for by

Ken R. Wells is a freelance writer from San Diego County.

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Superrain

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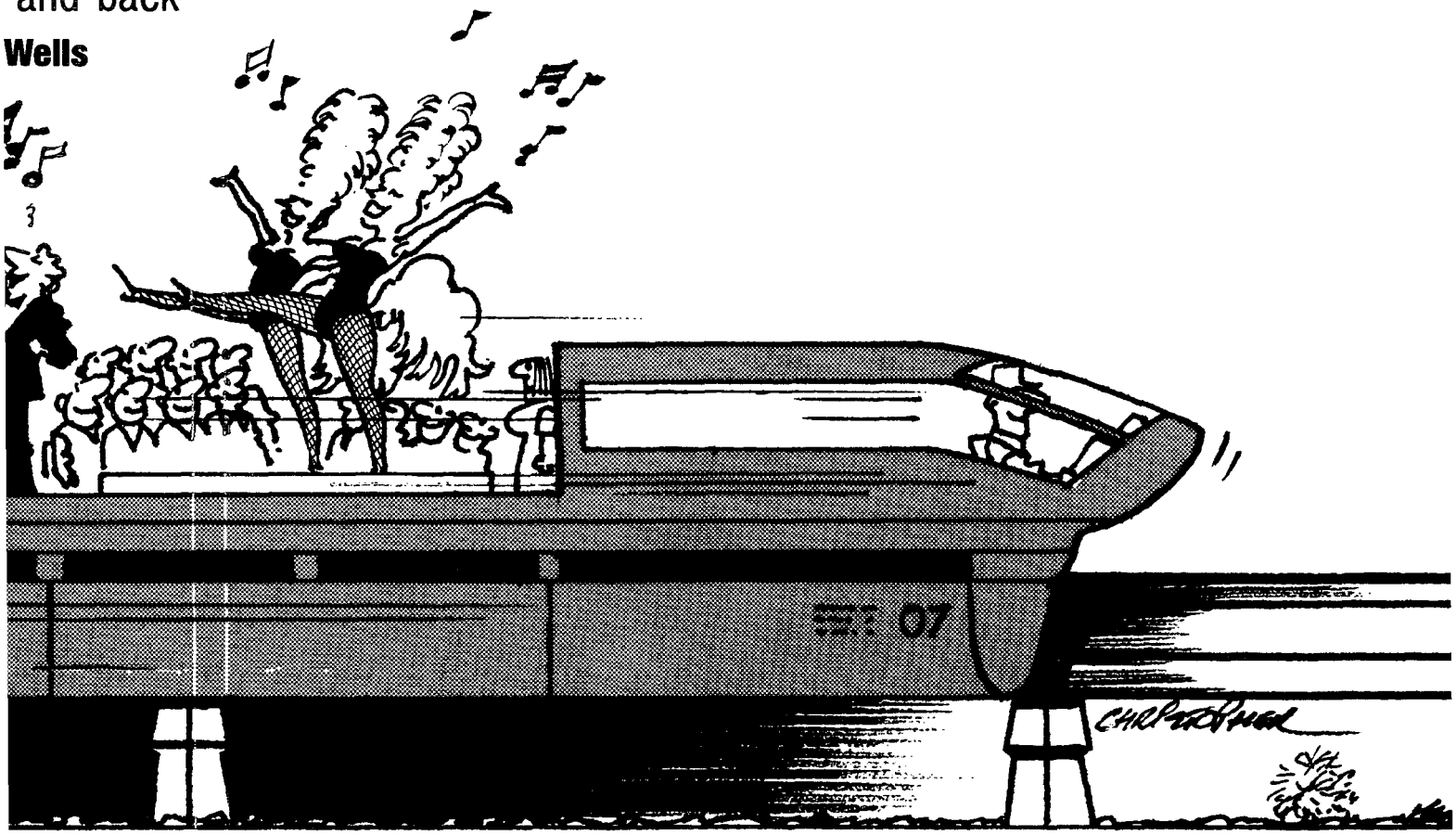

the federal government. The studies indicated an initial annual ridership of four million, no major environmental concerns, strong economic benefits to Nevada, and an annual rate of return on investment of more than 20 percent. It also would create about 11,000 construction jobs, most in Southern California.

One of the first Californians to become interested in the project was Assemblyman Richard Katz, a Sepulveda Democrat, who authored legislation creating the California-Nevada Super Speed Ground Transportation Commission. The commission consists of 16 members, eight each from California and Nevada. California's representatives are from the counties of Los Angeles, Orange, San Bernardino and Riverside. The commission will select a route, determine the number and location of stations, select the type of train and award a contract for construction and operation.

Even though the commission has broad operating powers, its decisions must be ratified by both state legislatures. Also, the location of California terminals must be approved by the board of supervisors in that county.

Katz said he introduced the legislation because he found a lot of interest in the project in both states and because he was fascinated by the technology. "I also wanted to make sure that Southern California got something out of this besides a train that goes to Las Vegas," he added.

But it's the location of one or more terminals in Southern California and the resulting problems of traffic congestion and increased air pollution that most concerns opponents of the project. Because of the high cost of acquiring rights-of-way in Los Angeles County, the western terminus was initially proposed as Ontario in San Bernardino County. Some local and county officials are concerned that with a projected ridership of four to six million persons a year, all converging on Ontario, the resulting problems would be enormous.

"What would be the impact on our freeways and local surface streets?," asked Ontario Mayor Howard Snider. "I think it will only create more congestion and pollution. I'm not convinced there will be any benefits to Ontario."

His concerns are echoed by San Bernardino County Supervisor Larry Walker of Chino, who represents the Ontario area. "I'm not absolutely opposed to it but I do want to know what positive impact it will have on my area. So far, they (the Las Vegas backers) have made no effort to build a project that would benefit the greater Ontario area," he said.

The project has even become a minor issue in the 25th District state Senate race, which includes most of the area where the train would run. Democrat Sandy Hester of Claremont, who opposes the project, has critcized her Republican

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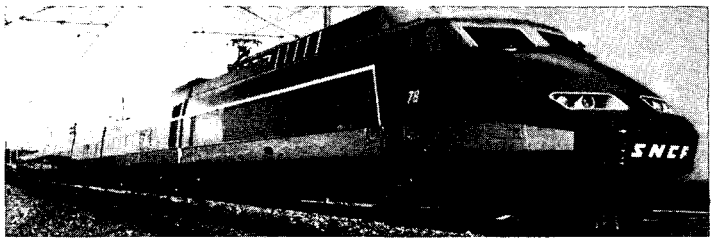
opponent, Assemblyman William Leonard of Redlands, because he is a member of the two-state commission. Leonard says he is "skeptical" about the train's value to California residents, but is serving on the commission because "I figure I can do more from the inside than the outside, even if I vote 'no.'" Leonard adds that he might see some value in the train if a line ran up to ski areas in the San Bernardino National Forest. "People could ski in the day and gamble at night," offered Leonard.

But backers of the train counter that there would probably be several stations in Southern California so all riders would not be converging on one point. Such cities as Ana-



French TGV

heim, Corona, San Bernardino, Riverside and Victorville have been mentioned as possible locations. They caution, however, that too many stops would increase the train's transit time.

"We are not going to put the terminals in places that people can't get to," said Paula Treat, who has been hired by the City of Las Vegas to lobby for the train in Sacramento. "Also, the train makes no sense unless we can alleviate any resulting traffic congestion. Part of the overall package will be to make the train easily accessible to riders."

One proposal calls for using the train for local commuter traffic on weekdays, when ridership to Las Vegas would be relatively light. A network of feeder transportation systems, such as bus and light rail, would shuttle passengers to and from the super-speed train terminals. But local officials are afraid they will get stuck with the multi-billion dollar cost of building and operating such a feeder system.

"The train's operators may invest in some local improvements, but they would be very localized since their only concern would be insuring a smooth flow of traffic from the freeway to the stations," said SANBAG's McDaniel. "But the congestion caused by the train would be around a 50-mile radius, and the commission is not going to address that."

Several San Bernardino County officials have suggested that to equalize benefits from the train, Las Vegas and Nevada finance public transportation projects in Southern California, an idea that makes Nevada officials bristle.

"We're not trying to force this down the throats of local agencies," Treat said. "We want to be as democratic as possible. But we are not going to be held hostage by anyone in return for building the train."

Las Vegas backers have tried to quiet some of the concerns by claiming the train would have equal benefits to both states. Welch said that of Las Vegas' 16 million annual visitors, 10 million come from outside Southern California and many would take a side trip to California on the train.

Supporting this theory is Peter Brynd, manager of governmental affairs for the Anaheim Chamber of Commerce. "Both Anaheim and Las Vegas are convention cities but Vegas is more adult-oriented. The family of a conventioneer could take the train to Anaheim for the day and still be back in time for dinner."

He suggested Anaheim Stadium, which has an Amtrak station nearby, as site of a super-speed train terminal. The stadium, home for the American League's California Angels and National Football League's Los Angeles Rams, is only minutes away from Disneyland and Knotts Berry Farm.

But many Californians don't buy this argument, pointing out that the backers' own 1987 report projects that 80 percent of the operating benefits would go to Las Vegas, suggesting the economic benefits would indeed be one-sided.

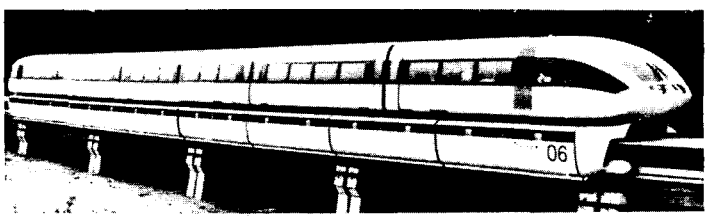
"It's a silly argument," Walker said. "They're not going to get the train through this county unless they can show us some significant benefits. All we've seen so far is a lot of smoke and mirrors."

Walker said he could support the train if it's terminus were in Los Angeles or Orange counties; if Las Vegas agreed to acccept garbage from the "Inland Empire" area of Riverside and San Bernardino counties, or if they built a sports arena in the Ontario area. These last two suggestions were met with scorn from Las Vegas officials, including Mayor Bill Briare who said he is tired of a "what's in it for us" attitude expressed by some San Bernardino County officials.

Walker responded, "I've got news for the people from Las Vegas. If they're tired of our attitude, they can call the whole project off anytime."

However, all of the political considerations will be meaningless unless the commission solves the problem of how the train's construction and operation will be financed. Katz's legislation clearly prohibits using any California tax money.

"Financing is a little unclear at the moment," admitted Commissioner Bill Wells from Las Vegas. Several commissioners believe a package of private venture capital funds and



German Transrapid 06

money from a foreign government, especially West Germany, could be put together.

The West German maglev would cost an estimated $2.5 billion to $3 billion to build and $76 million a year to operate, while the French TGV would cost an initial $2 billion with annual operating costs of $66 million.

Welch and the Las Vegas group tends to favor the maglev system, partly because they believe the West German government may help finance the project. "The West Germans have spent $1 billion developing the technology," he said. "If they are going to recoup their investment, they will need a system in operation to prove their train can be commercially successful."

The commission's first meeting was in September (1988) and it is not required to make its recommendations until early 1992, although Treat said it could be as early as 1990. If approved, construction would take five to seven years.

Las Vegas' initial feasibility studies projected a total of 44 trains on the system, each with six 100-passenger cars. They would make 22 round-trips a day on weekdays and 32 on weekends. The round-trip fare estimated in 1984 dollars would be $65.

While Walker gives the train only a 20 percent chance of succeeding, Katz is more optimistic. "California is on the cutting edge of new technologies," he said. "This project is very consistent with the vision many people have for California's future. The train has the potential for becoming the first showcase of its kind for the nation and the world."

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Caring for the unwanted

A crisis in board-and-care homes

By Catherine Hedgecock and Richard Hanner

Strange things are happening in California's board-and-care homes:

• In a Placerville home, the operator gave his elderly residents Haldol, a powerful tranquilizer, so he and care-home workers could retire undisturbed to his private living quarters for a marijuana and sex party.

• In a Riverside home, a 74-year-old man was denied proper food and care for almost six months and died in his own filth after wasting down to 93 pounds.

• In a Modesto home, the operator ordered workers to withhold an elderly resident's nitroglycerin tablets. Although the resident complained of acute chest pains, the operator said the woman was "just faking it." Within a few days, the patient was dead of heart failure.

These incidents and hundreds more are substantiated in the dog-eared, largely hand-written public files of the state Department of Social Services. The department is drawing increased fire for how it licenses and monitors the 7800 care homes in California. Widespread abuse and neglect in such homes has triggered an examination by the Commission on California State Government Organization and Economy, better known as the Little Hoover Commission. The commission's final report, due to be released soon, is expected to call for major changes in how the department regulates the board-and-care industry. According to a preliminary outline prepared by the Little Hoover staff, abuse of home residents is a "shocking problem," and the department's performance is "perceived to be inconsistent and untimely." The outline chides the department for failing to crack down on unlicensed care homes and contends standards for staffing and supervision in care homes are unacceptable.

Among the commission's probable recommendations: That the department certify all board-and-care home administrators (as the Department of Health Services now does for administrators of convalescent hospitals) where the more seriously ill residents are housed.

"We tackled convalescent homes a decade ago, and made great improvements," said Nathan Shapell, commission chairman. "But care homes have never received the attention they deserve. They have been largely ignored, and the people in them have been largely forgotten. It's time for some changes."

Continued on next page

Catherine Hedgecock and Richard Hanner write for The Stockton Record.

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Yet the Deukmejian administration, like those before it, is reluctant to pump money into board-and-care improvements. The governor declined to support a bill by state Senator Henry Mello, a Santa Cruz Democrat, that would have increased training requirements for board-and-care workers and also provided additional money to facility operators serving elderly residents.

"This administration knows there is a problem, they know it is getting worse. They just aren't willing to pay the money to try and resolve it," said Derrell Kelch, public policy director for the California Association of Homes for the Aging, which represents non-profit board-and-care homes for the elderly.

John Ramey, deputy director of the state Health and Welfare Agency, said the administration was not convinced the benefits of the Mello bill would justify its cost. Ramey declined to comment on issues the Hoover Commission is expected to address. "Of course we'll be interested in the findings, and we'll make program improvements if we can," he said.

Fred Miller, deputy director of the Department of Social services, acknowledges there are some bad homes, but he contends those are a tiny fraction and that the vast majority are safe and well-run.

Board-and-care homes comprise a vast but little-known industry. They are a step above boarding hosues and just below nursing homes, which are also known as convalescent hospitals or skilled-nursing facilities. Board-and-care homes shelter residents who cannot live on their own. There are three major resident groups: the mentally retarded, the mentally ill and the elderly.

The homes are divided into two main categories: residential facilities for the elderly, which serve those 60 and older; and adult residential facilities, which serve persons under 60 who are retarded or mentally ill. Today, nearly 120,000 people live in California's care homes, and the number of residents and homes is steadily increasing. Some care homes charge $1000 or more per month. Many, though, serve residents whose sole income is state and federal payments that provide only $572 each month for board and care.

Fifteen or 20 years ago, most of those who now reside in board-and-care homes lived with their families or in state institutions. But fundamental changes took place in the 1960s and 1970s. Many of the mentally ill and retarded were released from expensive state institutions because new medications allowed them to be stabilized and sedated. Laws were enacted giving due process to mental patients and making it more difficult to hospitalize them against their will. The evolving American family didn't always have space or time to care for an elderly or infirm relative. This led to the proliferation of board-and-care homes — family-style facilities often indistinguishable from most single-family residences.

In principle, the transfer of massive numbers of the retarded and mentally ill from state hospitals to private-care homes seemed attractive. The residents, it was hoped, would receive more personalized care closer to home.

In practice, though, the shift has been a disaster, say some advocates. Though the so-called "first wave" of patients released was only mildly disfunctional and adjusted fairly well to a community setting, the second and third waves were much more complex and demanding. Many in the second and third waves were dual-diagnosed persons who were both retarded and mentally ill.

Care-home operators, with virtually no training in geriatrics, mental health, or the needs of the retarded, were expected to care for persons with extremely complicated and critical problems. Yet they were expected to do jobs that in the past were done by trained psychiatric technicians, nurses, and nursing assistants, under the supervision of doctors.

Nearly two decades after the "de-institutionalization" move began, educational requirements for care-home administrators remain minimal. Requirements for care workers are virtually nil. Many homes are shoe-string operations, run by a couple or a family struggling to make a living.

Putting people with little training and low pay in charge of residents who are both demanding and vulnerable is a sure-fire formula for abuse and neglect, say critics.

"The situation is a crisis, the shame of California," said Michael Coonan, a long-term-care ombudsman in Sacramento. "People are dying and suffering every day in these homes." The state's long-term care ombudsmen are paid with a combination of state and federal monies to check conditions in care homes and nursing homes.

There will be about 700 confirmed cases of abuse and neglect in care homes in 1987-88, according to an estimate by Little Hoover analysts. In sheer numbers, the most common complaints are neglect, physical abuse, mental suffering, financial abuse, sexual abuse and abandonment.

Many cases of neglect result from basic communications problems: Some care-home operators and workers can't even speak or read English. In a Galt case, the lone worker on duty couldn't even dial 911. Sandy Sanders, ombudsman for San Joaquin County, recently went to a care home where the worker couldn't read the label on the bottle of liquid Haldol he was giving a patient. She asked him how he knew when and how much medication to give. "He held the bottle, pointed with his fingers and said, 'I pour it down

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this much every day,'" Sanders said.

Medication problems are rampant. Workers regularly give out too much medication, too little, or none at all. In a few cases, workers steal the medication and take it themselves. Coonan recalled an operator who was dispensing large amounts of Thorazine, used to combat mental illness, to elderly residents. "We asked him why he was giving out so much. He told us it was good for their arthritis," Coonan said.

Financial abuse is common, too. Some operators charge residents for goods or services they never receive. Others hoodwink residents into handing over personal possessions or savings. In a Contra Costa County case, a mentally ill resident signed over his life's savings to the home operators — $187,000. The home was closed by the Department of Social Services, but the operators kept the money.

The board and care industry

There are 7800 board-and-care homes in California. Of that number, 4100 serve the retarded and mentally ill; 3700 serve the elderly. Currently there are 119,000 residents in care homes, up from 105,000 in 1984. Of the current population, 79,000 live in homes for the elderly; 40,000 live in homes for the mentally ill and retarded.

The average number of beds in homes for the retarded and mentally ill is 9.5. The average number of beds in care homes for the elderly is 21.6.

Behind the expansion in board-and-care homes are increases in California's elderly population and the closure or reduction of state hospitals for the retarded and mentally ill. For example, from 1963 to 1988, the population of mentally ill in state hospitals has dropped from 33,000 to less than 5000.

— Catherine Hedgecock and Richard Hanner

Coonan and others believe the Social Services Department has been no better equipped to handle the explosion of the care-home population — and its increasing complexity — than are the home operators and workers themselves. Department evaluators, the workers charged with licensing and monitoring homes, aren't required to have any formal background in medicine, nursing, geriatrics, or mental health. Their inspections focus on "brick and mortar" type violations that many believe are incidental to quality care.

Fran Guest, a social services department evaluator in Orange County who is also a nurse, believes her colleagues should have more health-related training. "Evaluators generally are hard-working and well-meaning. But many can't recognize a serious problem when it's right in front of them. They can't be expected to. They don't have the training or background," she said.

Among ombudsmen, the department has a reputation for being a listless, even toothless, watchdog.

"I don't even bother reporting complaints to the department anymore," said Kathryne Meyers, the El Dorado County ombudsman. "I know I won't get anywhere. They never push unless they are pushed. I'm tired of pushing."

Evaluators inspect care homes once or twice a year. They can't fine operators on the spot for violations, only if problems repeatedly go uncorrected. Even homes where abuse or neglect is substantiated cannot be closed unless inspectors believe residents are in immediate danger.

The department's reputation isn't strengthened by the content or condition of its public files. The files contain the hand-written reports of the evaluators, often with words crossed out or misspelled or illegible. Many files are stuffed with memos, notes and letters, with little regard for chronological order. And the most telling information about a specific care home typically is not even in the public file. Complaints of physical and sexual abuse, and the resulting investigations, are kept in confidential files that are off-limits to the public. There is supposed to be a notation if a complaint of abuse is substantiated, but that doesn't always happen. When it does, there often is only scant detail about the nature of the abuse.

"Using department files, it's hard to gauge how good a home is," said Deborah Newquist, a gerontologist in Orange County. "It's especially hard to compare one home against another."

Even critics of the system are quick to point out there are many good care homes in California. Yet quality of care depends on the experience, compassion and knowledge of the operator, which varies widely. "Some operators are the most wonderful, decent people in the world," said Coonan. "Others are in it strictly to make a living." Many ombudsmen say good homes, homes where they would place one of their own relatives, are in the minority; perhaps one or two in 10 would qualify. Most of the homes they review, ombudsmen say, are poor or mediocre.

Fred Miller, deputy director of the Social Services Department, contends abuse or neglect occur in only a fraction of homes. The department, he said, does an aggressive job of policing the industry. This year the department will suspend or revoke the licenses of 475 homes, more than any previous year. Evaluators soon will be able to slap fines of up to $150 per day on errant operators, and do it on the spot. Additional nurses are being hired as consultants to provide more on-board health expertise, he said. While it's true some files are difficult to read, Miller said, evaluators must write reports in the field and review them in the home with the operator.

Most ombudsmen believe the Department of Health Services, charged with regulating convalescent hospitals, is well ahead of social services in expertise and effectiveness. The health department requires extensive qualifications for convalescent hospital administrators, substantial training for workers, may issue on-the-spot fines of $10,000 or more and has comprehensive computerized files on every licensed convalescent hospital in California. Traditionally, the residents of those convalescent hospitals have been much more ill than those living in board-and-care facilities, thus needing more skilled attendants. However, as the population ages, more and more people will be moving into board-and-care facilities, and they will be taking on more difficult cases as the cost of skilled nursing facilities increases.

Some critics, in fact, say the responsibility for regulating care homes should be stripped from the social services department and given to the health department. "The health department simply has the tools to do a better job," said Jean Walker, a former Little Hoover Commission member who works with the Stanislaus County ombudsman office.

Coonan suggests ombudsman programs be combined with patients'-rights advocate programs for the mentally ill and retarded, which are usually administered separately. Eliminating duplication would allow each care home to be monitored on a weekly basis by a knowledgeable outsider. Coonan believes all compaints of abuse in care homes should be reported to residents' relatives or conservators. "We need informed consumers," he said. "When these homes are shut down for violations, the relatives are freaked out. In many cases, they didn't have an inkling of a problem."

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For most ombundsmen, providing case workers for elderly residents is considered an important step in improving the system. Nearly all retarded residents already have case managers through regional centers, overseen by the state Department of Social Services. Some mentally ill residents have case management through county mental-health programs.

Many proposals for improving the system focus on more training and money for care-home operators. State Senator Dan McCorquodale, a San Jose Democrat who has sponsored legislation in the care-home area, believes the social services department must crack down harder on bad and unlicensed homes, and that good homes must be rewarded with more money. "You need a carrot and a stick," he said.

Senator Mello's bill would have created several levels of care for elderly care-home residents, depending on the complexity of the resident's health needs. Those operators serving more difficult residents would need more training and be paid more than those caring for less-challenging residents. The bill was widely supported by the board-and-care industry, provided the state was willing to provide enough money. According to Kelch, the Deukmejian administration backed away from the measure when it estimated that the extra payments could tally $50 million each year.

Ramey said the administration did balk at the bill's price tag. But the administration also questioned whether a flat increase for all care-home operators who rely on state and federal monies might do more to stimulate competition and quality than the more structured payments under the Mello bill.

As it turned out, of course, the industry won neither the Mello bill nor a basic pay raise. Part of its problem is that it is divided in its approach. Some of the larger homes are represented by one group, while small homes are represented by another. Homes operating for a profit have a somewhat different outlook from those that are operated by non-profit organizations. Even within these divisions, there are a variety of smaller organizations representing groups based on type and location of homes.

The administration may consider an increase next year, Ramey said, and did add $4 million to a pool of bonus money available to operators of homes for the severely mentally ill. "We do recognize the board-and-care operators provide a relatively high level of service for a relatively low level of funding. But any increase would be stacked against many other priorities in the human service area," he said.

To date, consumers and some legislators remain uninformed and somewhat unsympathetic about the problems in board-and-care homes, said Deanna Marquart, principal consultant for the Little Hoover Commission. There are legislators, she said, who don't know the difference between a board-and-care home and a nursing home. "Some think people's families should still be taking care of them. They can't absorb the changes that have occurred in our society that have led to enormous numbers of people who can't live alone, but need someone to take care of them. And the family, for whatever reason, simply isn't there for them."

It will take political pressure to generate money and momentum for change in the board-and-care system, said Steve Thompson, who studied board-and-care homes several years ago as a private consultant. Thompson is now director of the Assembly Office of Research. As damning as the upcoming Hoover Commission report may be, Thompson is unsure whether meaningful reform will follow. "There's a sad but pertinent fact in all this," Thompson said. "The people in board-and-care homes don't vote."

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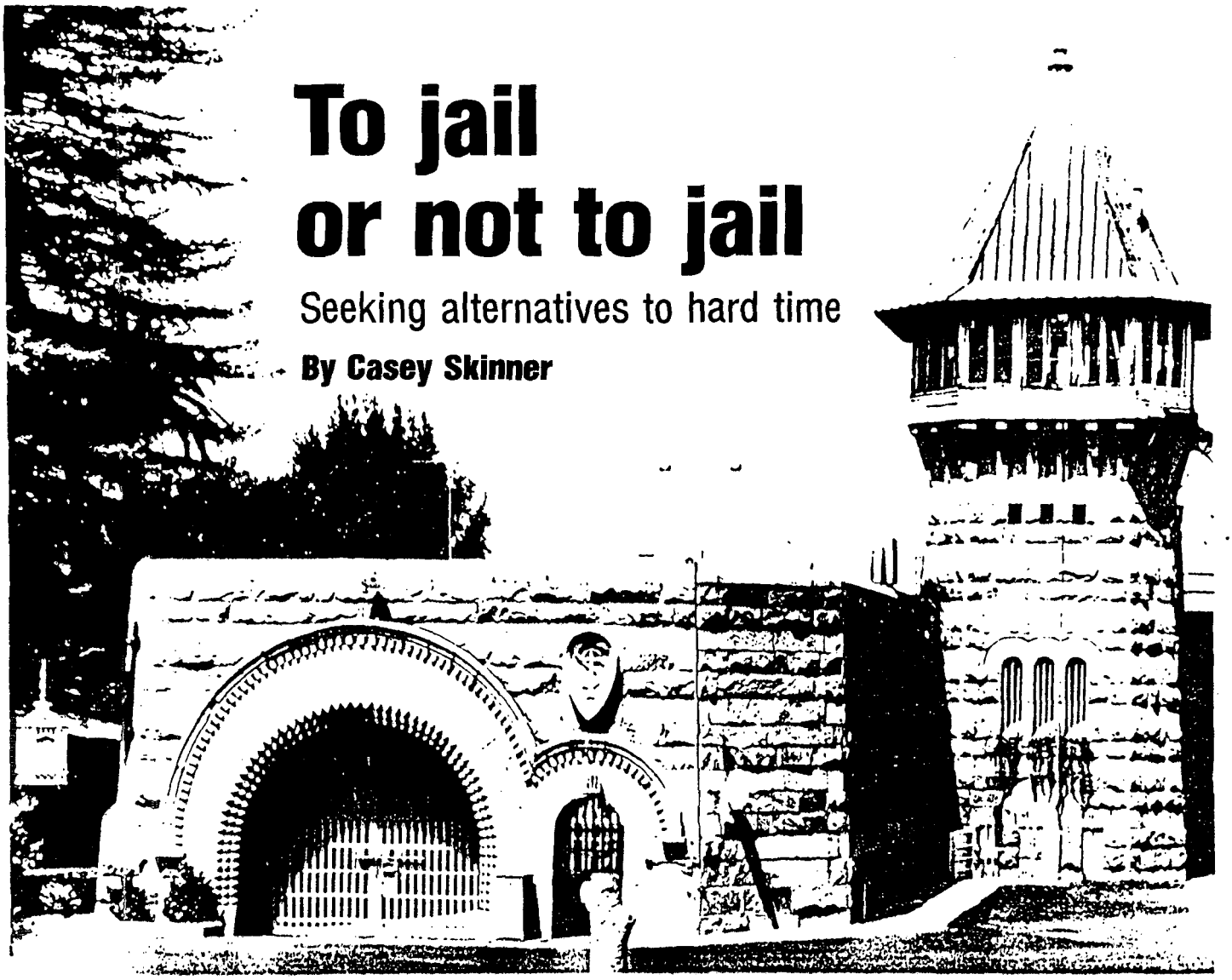
To jail or not to jail

Seeking alternatives to hard time

By Casey Skinner



Politicians have long known the value of taking a tough stance on law-and-order. It's been many years since those who believed prisons could be a place of "rehabilitation" held sway over the political process. Now the state's politicians — spurred on by a leap in the crime rate during the 1970s — almost uniformly agree that prison is a place for punishment, and many find their political careers enhanced making penalties more severe.

But the state's crime rate has been dropping over the past few years as the number of people locked in state prisons has multiplied. The state's prison budget has increased more than six-fold in the past 10 years; more than $2.1 billion will be spent locking people up in the current fiscal year, better than 5 percent of the total state budget. It is the one area of that budget that has been allowed to grow unhampered, despite restrictions on spending and revenues that have held back growth in other areas. By the time all the new prisons are built, the state will have spent about $4 billion to handle its burgeoning inmate population.

The majority of politicians at this point clearly believe that the state has no choice but to build prisons and lock up those who commit crimes. But the rising costs of incarceration have caused a few policymakers to wonder if, at

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some point, it just doesn't pay to lock up so many people in expensive state prisons. Perhaps there are better, cheaper ways to protect the public.

Governor George Deukmejian has long felt that protecting the public is the overriding concern, stating "we can either act decisively and immediately to expand our state prison capacity, or we may no longer be able to continue to remove more violent criminals from the communities of California." For the governor and others, a drop in the state's crime rate since the late 1970s is proof that locking up more criminals reduces crime.

Those advocating alternatives to prison sentences argue that other forces, including the age of the population, drive up the crime rate and that the cost to the public of housing inmates in state prisons is greater than the small increase in public safety California would experience.

But in the face of a decade of public sentiment to "get tough on crime," many California politicians are finding it dangerous to propose any policy that can be interpreted as giving criminals a break. Responding to the governor's concerns about protecting public safety, Democratic state Senator Robert Presley, a former Riverside County undersheriff who is the author of most of the bills to build more prisons, comments, "I do not disagree with that, but I just do not think that we can simply build our way out of the prison overcrowding crisis. We have to examine new options, perhaps alternatives; better, perhaps cheaper ways of punishing law breakers that can cut down the violence rate in prison, find some way to keep 60 to 70 percent of the parolees from ending back in prison with new crimes. Public safety, however, must be our primary consideration."

After repeated failures, Presley this year finally got Deukmejian to allow the establishment of the Blue Ribbon Commission on Inmate Population Management, whose job will be "to review California's adult and youth correctional facilities systems to determine viable alternatives and solutions to problems of overcrowding." Although he signed the legislation creating the Commission, the governor sent a message to the Senate expressing some of his misgivings. "It would be disappointing if this Commission views its task as merely suggesting ways in which to put fewer criminals in prison or to shorten their terms," Deukmejian stated.

Prison overcrowding has been a recurring problem in California since the beginning of this century. The rapid rise in the prison population over the past decade is the result of more people being sent to prison for longer average terms and an increased number of parole violations which sends more parolees back to prison. Prior to 1977, prison terms were actually set by a parole board, which attempted to determine when a prisoner had been "rehabilitated" and was safe to return to society. This board could act as a safety valve for the prison system. When prisons got too crowded, lesser offenders could be released earlier, keeping the more dangerous inmates in jail.

But in 1977 this system was abandoned in favor of fixed sentences, known as determinate sentencing, that were set by the Legislature. Since then, lawmakers have regularly increased the length of these terms and also required that punishment be made mandatory for certain crimes. This restructuring of the sentencing system, combined with the increased abilities of parole and police officers to arrest offenders,

The alternative programs

A number of other states are using alternatives to imprisonment to save space in prisons and save money in budgets. The programs place inmates, or prospective inmates, back in the community under varying degrees of surveillance. These include:

• **The Intensive Probation Surveillance (IPS),** made famous in Georgia. IPS involves drastically reducing the normal caseload of probation officers and requiring frequent meetings between probation officers and just-released prisoners. IPS also requires curfews, drug and alcohol testing, mandatory employment or job training, community service, payment of restitution to the victim, payment of the cost of probation, and cooperation with local police in the monitoring of the probationer. It is felt that this high degree of surveillance allows quick detection of probation violations while at the same time providing structure so probation can be successfully completed. Also, by requiring the payment of probation costs out of the earnings of the probationers employment, IPS programs can be self-supporting.

• **Restitution and diversion centers** are half-way houses in which residents are required to serve their sentence while holding down jobs and obeying various restrictions, including curfews. Residents also must pay restitution to the victim of their crime and pay for the cost of the program.

• **Home detention** requires the offender to be confined at home, although there are allowances for employment, travel time to and from employment and emergencies. Curfews and payment of program cost and restitution to the victim are often part of home detention. Electronic monitoring devices often are used for home detention and probation programs to more effectively monitor curfews. Commonly devices which transmit a signal via a telephone to a local police or probation department are fastened onto the the convict. Curfews are then monitored by phoning the detainee and checking to see if the signal is received. If the offender is too far from the phone, there will be no signal and a violation will be recorded. In various counties, including San Diego, Los Angeles, and Santa Clara have instituted programs that utilize electronic monitoring devices.

• Some states have instituted **automatic prison population reductions** whenever the prison population reaches a certain level. Prisoners are automatically released until the overall population returns to an acceptable level. Those chosen for release are usually those who are felt to be the lowest risk or have the least amount of time left to serve on their sentence.

• California is implementing programs for its parolees that are aimed at reducing the number of parole violators who end up back in the state prison system. Specifically, the Department of Corrections has set up a **Substance Abuse Revocation Diversion Unit** to provide intensive supervision for over 6,000 parolees a year. CDC is also using electronic surveillance to help monitor some of its parolees. Corrections officials emphasize, however, that these and other programs are designed for inmates who have already served their sentence and are not alternatives to punishment. — *Casey Skinner*

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has raised the number of criminals who end up in state prison. Currently, the California Department of Corrections (CDC) has an inmate population of more than 70,000 held in prisons designed to hold approximately 44,000 — a prison population at 163 percent of capacity. Despite the state's massive building program, CDC projections indicate that by 1992 California's prison system will still be at 143 percent of capacity.

But in face of early warnings about the rising population, the Legislature initially balked at the idea of constructing expensive new prison facilities, and it commissioned studies that purported to show the Department of Corrections had inflated figures about the prison inmate population. Ultimately, however, the department proved correct, but the delay has resulted in chronic overcrowding. The state can't build new prison cells fast enough to meet demand.

Now proposals to construct new prisons meet little resistance from lawmakers, aside from an occasional protest from a community that does not want to host the new facility. That conflict was most pronounced in Los Angeles, which has long resisted construction of a new prison. However, some of the state's more rural communities have discovered that prisons can be good neighbors and be a shot-in-the-arm to the ailing local economy.

Furthermore, prison construction has found a new backer in the California Correctional Peace Officers Association. Because of the rapid increase in the number of prisons, this is the fastest growing and one of the most powerful state employee unions.

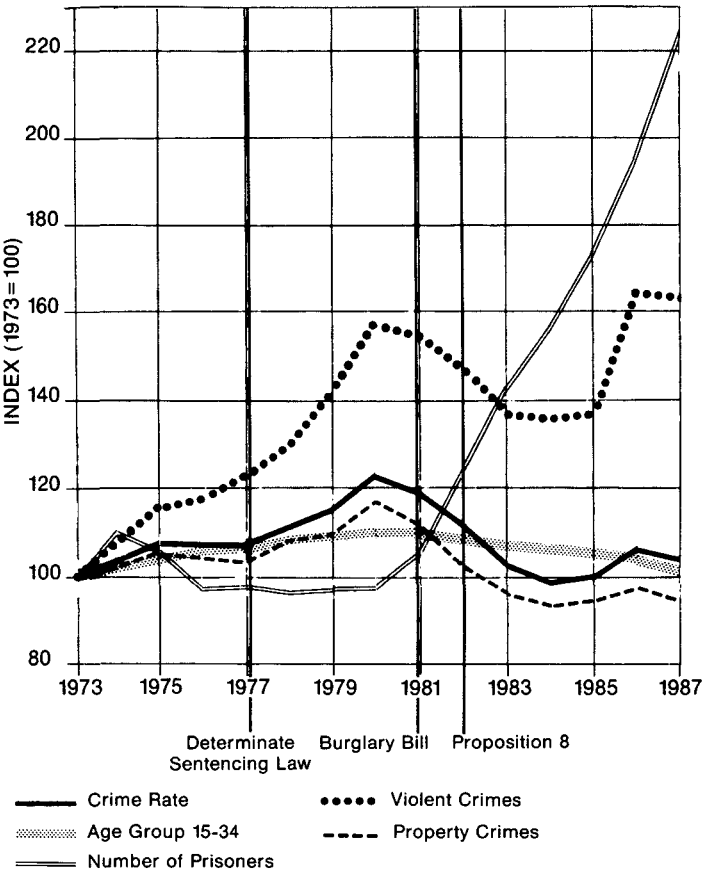
The association's lobbyist, Jeff Thompson isn't concerned about adding union members. "We are already much larger than other law-enforcement unions," he states. Instead, Thompson said he pushes for increased prison capacity to help reduce prison overcrowding and prison violence. "Crowded prisons create a heated environment that is bad for corrections staff." Like others, Thompson also feels that those in California's prisons are hardened criminals who belong in prison, not in alternative programs.

Although the price of building new prisons is high, in the long run these are modest compared to the cost of operating the prison system (see "Paying for jails," *CJ*, May 1986). Currently, the average cost to house one prisoner for one year in California's prisons is more than $17,000. As the inmate population has grown, the overall cost of operating the state prison system, which does not include the cost of the state youth authority, has risen from $199 million in the 1975-76 fiscal year to nearly $1.4 billion in the 1987-88 fiscal year. As a percentage of the general fund, CDC's operations budget has increased in that same period from 1.9 percent of the budget to 4.2 percent and is expected to reach 4.8 percent during the 1990-91 fiscal year. The corrections department's budget is growing at a faster rate than the overall state budget, and since the Gann amendment (Proposition 4, 1979) limits the overall amount that can be spent, some see the prison expenses as beginning to cut into resources that could go toward other programs such as health, welfare, and education.

For Governor Deukmejian and many others, the incarceration of criminals and increased public safety go hand-in-hand. The primary evidence supporting this argument lies in a statistical correlation between the dropping crime rate in California and the increased prison population. Between 1980 and 1987 the number of inmates in state prison per 100,000 state population increased by more than 220 percent while during the same period the crime rate per 100,000 population decreased about 20 percent.

A more dramatic correlation can be found with respect to burglary. Since the Legislature enacted laws eliminating distinctions between first and second degree burglary and created mandatory prison sentences for burglary, the burglary rate in California has decreased 36.5 percent between 1981 and 1987. Backers of stiff prison sentences point to this as

California Crime Index Crimes, 1973-1987
Rate per 100,000 Population Indexed to 1973



Number of crimes, prisoners, and 15-34 year olds per 100,000 population in California, 1973-1987. All are indexed to 1973 in order to show the percentage change of each category.

proof that imprisonment not only is effective in reducing crime, but that it is ultimately cost-effective for society to incarcerate criminals in prison.

Even with the current cost of housing inmates and building prisons, Edwin Zedlewski, an economist at the National Institute of Justice, argues that the average criminal costs society more outside of prison than inside. By estimating the average number of crimes per criminal and the average cost to society per crime, Zedlewski concludes, "Incapacitating prison-eligible offenders now crowded out by today's space constraints would likely cost communities less than they now pay in social damages and prevention."

However, there are those in California and around the country who have confidence in alternatives to the continued expansion of the state's prison system. Currently, many states with prison overcrowding problems are instituting various programs to reduce prison populations. Some involve establishing a limit to the number of inmates that will be kept in the prison system and releasing inmates when the prison population exceeds that limit.

Many states are devising alternative forms of punishment which involve putting convicts on intensive Probation Surveillance (IPS), often including electronic monitoring. IPS reduces the caseload of probation officers, allowing them to more closely supervise the probationers and detect proba-

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tion violations relatively quickly. Other alternatives include diverting offenders into half-way houses where they serve out their terms while holding down jobs or complete rehabilitation programs.

Advocates of alternatives dispute whether or not increased imprisonment reduces the crime rate significantly or saves society money.

"If putting people in prison is effective in stopping crime, we should have had a more dramatic drop in the crime rate," says Larry Bennett, a private consultant in criminal justice and formerly with both CDC and the National Institute of Justice.

Bennett feels that demographic factors have a much greater impact on the crime rate than does incarceration. Statistics show the crime rate in California from 1973 to 1987 more closely follows patterns of change in the 15-34 year old age group than the rate of imprisonment. Since the majority of the state prison population is made up of 20-34 year olds (approximately 65 percent as of December 31, 1987), one could expect changes in this age group to affect the crime rate in the state.

James Park, a private consultant who has put in 31 years at CDC, agrees with Bennett that increased incarceration has a minimal effect on the state's crime rate and overall public safety. Park feels society is wedded to the notion of locking up criminals to insure public safety.

"Society has been conditioned to expect perfect safety and that's not realistic," states Park.

Both Park and Bennett are convinced that the amount of public safety bought through increased imprisonment doesn't justify costs. Statistics show that average numbers of crimes per criminal and average cost per crime overlook the fact that there are many offenders who commit less than the average amount of crime and who are generally of lower risk to the public. It is these categories of criminals who are the target of alternative programs. If a significant number of offenders can be kept out of prison on various alternative programs without endangering public safety, then the state would be able to realize a saving on the cost of building and maintaining prison space. Both Park and Bennett feel since the amount of public safety gained through increased imprisonment is marginal, there would be very little risk to the public in diverting some present and future lower-risk inmates into alternative punishments outside state prisons.

Opponents to implementing alternatives feel strongly that the prisoners who end up in California's prisons today are not the lower-risk offenders who succeed in alternative programs in other states. "The problem isn't overcrowded prisons, but an undersized prison system," states Assemblyman Larry Stirling, a Republican who is chairman of the Assembly's Public Safety Committee.

More than three-quarters of the people now in the state's prisons previously had been locked up in either an adult or juvenile detention facility. And many of the remaining quarter had been involved with the criminal justice system in some manner (for example, probation, suspended sentence, and so on).

The RAND Corporation has studied the characteristics of lower-risk candidates who have been involved with alternative programs around the country and developed a profile of a low-risk offender. RAND concluded "less than 5 percent of the California prison population could be characterized as low risk." Skeptics of implementing alternatives to incarceration agree that there are very few candidates among the state's prison population and believe alternatives would provide very little relief to overcrowded prisons unless dangerous criminals were allowed out of prison or never sent to prison at all. Republican state Senator Ed Davis of Chatsworth, a former Los Angeles police chief, calls the proposed alternatives "old news," comparing them to past rehabilitation efforts.

"We used to believe in a new frontier in behavioral science, that we could change bad people into good," states Davis. "It would be nice if we could rehabilitate prisoners, but people in prison are by and large criminally oriented."

As a practical matter, California's policy-makers may find their choices limited, no matter what their philosophy. Even if a politician is not convinced that locking up more people reduces crime, reducing current sentences is unlikely in the current political climate, and the state's prison system will have to expand just to house those who are already on their way into the system under current laws.

And even if the Legislature, which so far has steadfastly resisted the trend, can be convinced to try some alternatives to incarceration, these will have a limited impact on the prison system, assuming the programs are applied only to the low-risk criminals. With no apparent willingness on the part of elected officials to stake out a different course and take the chance of being labeled "soft on crime," it appears the only course available to California in the near future will be to increase prison capacity.

It is projected that even the ambitious prison building program now planned will not resolve the overcrowding issue. Thus, this is a problem which is destined to confront California for some time to come and will likely be resolved only as a result of a significant change in the public attitude toward crime and punishment or in the face of a severe budgetary crisis.

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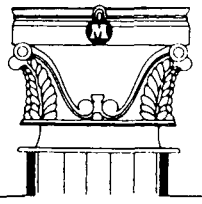

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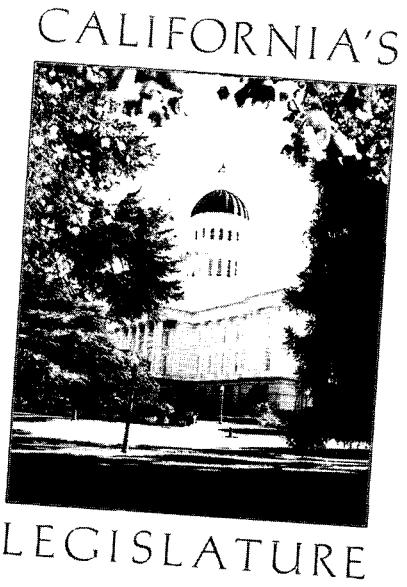
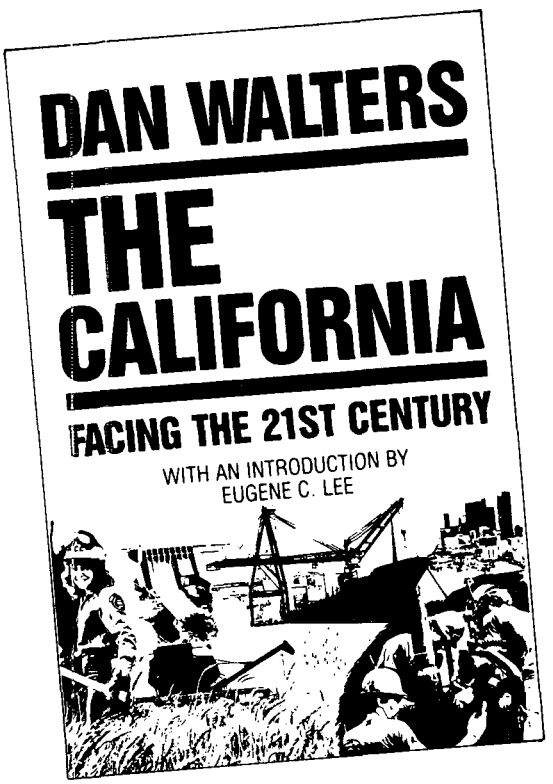
CALIFORNIA'S LEGISLATURE

by James Driscoll

Former Chief Clerk
of the Assembly



California's Legislature by *James Driscoll.* This is a 256-page comprehensive book on the state's Legislature with six chapters covering every aspect of the institution in detail. This latest edition has been completely revised to include data through the 1986 session. Other chapters cover the executive and judicial branches, constitutional history, election law, media, the capitol building and numerous appendices with statistical data and information on the flags of California, seals, the governor's mansion and the origin of California place names. 1986, 6" x 9", 256 pages, paperbound, $4.95.



The New California — Facing the 21st Century

by Dan Walters

with an introduction
by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee.* The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series will be available in book form June 15th. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Issues and sound bites

One of the memorable moments in this year's race for the White House came when Republican vice-presidential candidate Dan Quayle appeared at a campaign event in Phoenix alongside crusty old former Senator Barry Goldwater. As an afterthought, the 1964 Republican presidential nominee stepped up to the microphone and gave Quayle a tart piece of advice. "Tell George Bush," he said, "to start talking about the issues."

OF COURSE, THE EX-ARIZONA SENATOR has always made it a point to talk about the issues, in such blunt and extreme terms that he was one of the great losers of all time in his presidential campaign. Nonetheless, Goldwater was speaking for most of us when he protested the vapid generalities and ugly attacks that dominated this campaign season.

In a race in which voters seemed uninspired by either candidate and lulled into apathy by peace and prosperity, Republican George Bush and Democrat Michael Dukakis found it easier to savage each other than to attempt to instruct or inspire voters.

There was plenty of blame to go around, but Bush deserves an extra share for setting the negative tone early on. In August, while Dukakis rested on a lead in the polls and on his vague but positive image, Bush set out to portray the Democrat as a far-out liberal who disliked the Pledge of Allegiance but loved giving weekend furloughs to first-degree murderers.

Bush's attacks on Dukakis were as effective as they were nasty. But it was difficult for Bush to slip back and forth from such slashing attacks to his sweet and loving theme in which he called for a "kinder, gentler nation."

Although Bush started the brawling, Dukakis rose to the nastiness of the occasion. There was no solid evidence, for example, to back up Dukakis' frequent charge that Bush knew long ago of drug-dealing by Panama's General Manuel Noriega. And it wasn't quite fair to blame Bush for the nation's drug epidemic just because President Reagan named him the head of a task force on the subject.

Nor was this an illuminating campaign when it came to candidates offering themselves for scrutiny by the press. Again, Bush's strategists took the initiative at creating a vacuum-packed candidate who was all but sealed off from probing questions. Well-trained at media manipulation from their experience in President Reagan's campaigns, Bush's managers decided from the start to keep press conferences down to the bare minimum necessary to fend off charges of total inaccessibility. The goal was not simply to protect the candidate from saying something stupid or controversial at a press conference. It was to keep him from saying anything at all that would upstage the campaign's carefully-chosen "sound bite," the 15-second message of the day.

At first, making a virtue of his availability, Dukakis held almost daily press conferences. Eventually, his managers realized there was no percentage in it because even a benign and articulate answer to a question could overshadow his intended pronouncement on the campaign's favored topic.

Instead of press conferences, both candidates substituted constant "photo opportunities," staged events designed to place the candidate in a favorable setting that would guarantee a spot on the network television newscasts. Again, Bush's handlers, with their Reagan training, excelled in this art of media manipulation long before Dukakis' Boston retinue got the knack of it. Gradually, the candidates' photo opportunities became more far-fetched, until they lapsed into outright parody. When Dukakis rode around in a tank to prove he was tough and Bush visited a flag factory to prove he was a super-patriot, the imagery became more ridiculous than beneficial.

A backlash set in as the media reported in great and critical detail about how the candidates were attempting to manipulate the voters. Dukakis even ran television commercials with actors playing the roles of Bush campaign strategists cynically planning their next effort to fool the voters.

The nationally televised debates provided an opportunity to see the candidates engage each other directly for a change, although they spent much of the time exchanging well-rehearsed one-liners. The political parties controlled everything from the format to the camera angles, having wrested away the debates from the League of Women Voters, the traditional sponsors.

Here in Washington, the politicians and the journalists pondered how the business of running for president had become so damned superficial. Wyoming's blunt-talking Republican Senator Alan Simpson had little sympathy for the media's complaints about being force-fed a diet of slogans, attacks and photo opportunities.

"Who in the hell's fault is that?" Simpson asked, during a forum on the subject sponsored by the Joan Shorenstein Barone Center at Harvard University's Kennedy School of Government. "You're the ones swallowing it. If you don't want to be used, then don't be. Hell, you're not children."

BUT TELEVISION JOURNALISTS SAID competitive pressures kept them from ignoring the colorful backdrops and quotable attack lines offered by the candidates. One veteran newsman, former CBS correspondent Daniel Schorr, added that journalists are accused of arrogance if they ignore what the candidates say and do. The media manipulators have taken over, he warned.

"The press is in a death struggle for control of the media — and losing," said Schorr. "It's been largely occupied by the enemy, and we're playing a small part in a guerilla resistance." The campaign of '88 seems to have proven that one enduring legacy of Ronald Reagan, "the great communicator," is that running for the White House has become a matter of "sound bites" and "photo opportunities."

Larry Liebert is Washington Bureau Chief of the San Francisco Chronicle.

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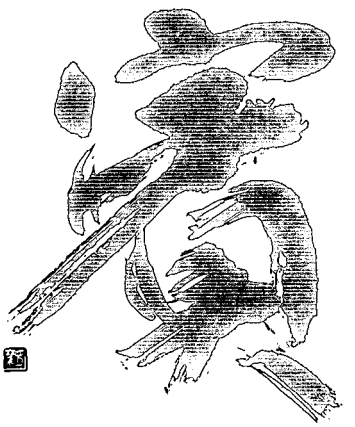

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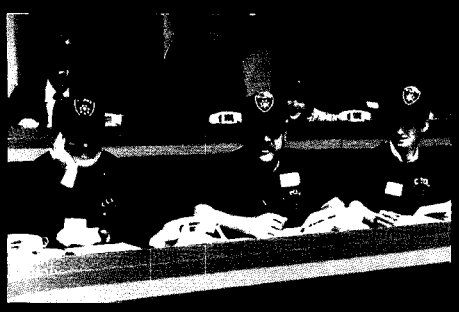

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